
STATUTORY INSTRUMENTS

2003 No. 417

**The Protection of Children and Vulnerable
Adults (Northern Ireland) Order 2003**

PART II

PROTECTION OF CHILDREN

CHAPTER I

PERSONS UNSUITABLE TO WORK WITH CHILDREN

Inclusion in list under Article 3

Power of other authorities to refer

6.—(1) A person to whom this Article applies may refer to the Department 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 relevant functions, 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 Department under Article 4 or 5 in respect of the misconduct.

(2) The persons to whom this Article applies are—

- (a) an authority;
- (b) the Nursing and Midwifery Council;
- (c) the Northern Ireland Social Care Council;
- (d) any other person designated for the purposes of this Article by an order made by the Department subject to negative resolution.

(3) In paragraph (1) “relevant functions” means—

- (a) in relation to an authority, functions under Parts VII to IX and XI and Article 176 of the Children Order;
- (b) in relation to the Nursing and Midwifery Council, functions under Parts III and V of the Nursing and Midwifery Order 2001 ([SI 2002/253](#)) (registration and fitness to practise);
- (c) in relation to the Northern Ireland Social Care Council, functions under sections 3 to 8 of the Health and Personal Social Services Act (Northern Ireland) 2001 ([c. 3](#)) (registration of social workers and social care workers);
- (d) in relation to a person designated by an order under paragraph (2)(d), such functions as are specified for the purposes of this Article by the order.

(4) Article 4(4) to (7) shall apply in relation to a reference made by a person under paragraph (1) as it applies in relation to a reference made by an organisation under Article 4(1).