

# CARE STANDARDS ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part VII: Protection of Children and Vulnerable Adults

##### The List kept under Section 1 of the 1999 Act

##### *Section 98 Individuals providing care funded by direct payments*

254. *Section 98* extends the provisions of PoCA to child care workers employed through certain direct payments. *Subsection (1)* enables a local authority to refer to the PoCA list a relevant individual whom the authority considers is guilty of misconduct which harmed a child or placed a child at risk of harm. “Relevant individual” is defined as a person who is or has been employed to provide care to a child, where that employment is funded by a direct payment under section 17A of the Children Act.
255. *Subsections (2)* and *(3)* amend PoCA so as to require a local authority to check whether an individual is in the list before making a direct payment, if the parent proposing to employ the individual asks it to. Regulations made under *section 103* will permit these checks to be made pending the coming into operation of the Criminal Records Bureau.