



Care Standards Act 2000

2000 CHAPTER 14

PART VII

PROTECTION OF CHILDREN AND VULNERABLE ADULTS

Restrictions on working with children in independent schools

100 Additional ground of complaint

(1) In subsection (1) of section 469 (notice of complaint) of the Education Act 1996, for paragraph (d) there shall be substituted—

“(d) the proprietor of the school or any teacher or other employee employed in the school—

- (i) is unsuitable to work with children; or
- (ii) is for any other reason not a proper person to be the proprietor of an independent school or (as the case may be) to be a teacher or other employee in any school;”.

(2) In subsection (2) of section 470 of that Act (determination of complaint by an Independent Schools Tribunal), for paragraph (f) there shall be substituted—

“(f) if satisfied that any person alleged by the notice of complaint to be a person who—

- (i) is unsuitable to work with children; or
- (ii) is for any other reason not a proper person to be the proprietor of an independent school or to be a teacher or other employee in any school,

is in fact such a person, by order disqualify that person from being the proprietor of any independent school or (as the case may be) from being a teacher or other employee in any school.”

101 Effect of inclusion in 1996 Act list

(1) Section 7 of the 1999 Act (effect of inclusion in either list) shall be amended as follows.

(2) For subsection (1) there shall be substituted—

“(1) Where a child care organisation proposes to offer an individual employment in a child care position, the organisation—

(a) shall ascertain whether the individual is included in—

- (i) the list kept under section 1 above;
- (ii) the list kept for the purposes of regulations made under section 218(6) of the 1988 Act (“the 1988 Act list”); or
- (iii) any list kept by the Secretary of State or the National Assembly for Wales of persons disqualified under section 470 or 471 of the Education Act 1996 (“the 1996 Act list”); and

(b) if he is included in any of those lists, shall not offer him employment in such a position.”

(3) In subsection (2)—

(a) in paragraph (a), for the words from “the list” to the end there shall be substituted “any of the lists mentioned in subsection (1) above”; and

(b) in paragraph (c), for “either list” there shall be substituted “any of those lists”.

(4) For subsection (4) there shall be substituted—

“(4) In this section—

(a) any reference to inclusion in the 1988 Act list is a reference to inclusion in that list on the grounds mentioned in section 218(6ZA) (c) of the 1988 Act; and

(b) any reference to inclusion in the 1996 Act list is a reference to inclusion in that list as a person disqualified on the grounds mentioned in section 469(1)(d)(i) of the Education Act 1996.”

102 Searches of 1996 Act list

(1) In subsection (3A) of section 113 of the Police Act 1997 (criminal record certificates), for the words from “in the list” to the end there shall be substituted “in—

(i) the list kept under section 1 of the Protection of Children Act 1999;

(ii) the list kept for the purposes of regulations made under section 218(6) of the Education Reform Act 1988 (“the 1988 Act list”); or

(iii) any list kept by the Secretary of State or the National Assembly for Wales of persons disqualified under section 470 or 471 of the Education Act 1996 (“the 1996 Act list”); and

(b) if he is included in any of those lists, such details of his inclusion as may be prescribed, including—

(i) in the case of the 1988 Act list, the grounds on which he is so included; or

Status: This is the original version (as it was originally enacted).

- (ii) in the case of the 1996 Act list, the grounds on which he was disqualified under section 470 or 471.”
- (2) In subsection (6A) of section 115 of that Act (enhanced criminal record certificates), for the words from “in the list” to the end there shall be substituted “in—
 - (i) the list kept under section 1 of the Protection of Children Act 1999;
 - (ii) the list kept for the purposes of regulations made under section 218(6) of the Education Reform Act 1988 (“the 1988 Act list”); or
 - (iii) any list kept by the Secretary of State or the National Assembly for Wales of persons disqualified under section 470 or 471 of the Education Act 1996 (“the 1996 Act list”); and
- (b) if he is included in any of those lists, such details of his inclusion as may be prescribed, including—
 - (i) in the case of the 1988 Act list, the grounds on which he is so included; or
 - (ii) in the case of the 1996 Act list, the grounds on which he was disqualified under section 470 or 471.”