



Care Standards Act 2000

2000 CHAPTER 14

PART VII

PROTECTION OF CHILDREN AND VULNERABLE ADULTS

The list kept under section 1 of the 1999 Act

96 Inclusion in 1999 Act list of individuals named in findings of certain inquiries

(1) After section 2A of the 1999 Act (inserted by section 95) there is inserted—

“2B Individuals named in the findings of certain inquiries

- (1) Subsection (2) applies where—
 - (a) a relevant inquiry has been held;
 - (b) the report of the person who held the inquiry names an individual who is or has been employed in a child care position; and
 - (c) it appears to the Secretary of State from the report—
 - (i) that the person who held the inquiry found that the individual was guilty of relevant misconduct; and
 - (ii) that the individual is unsuitable to work with children.
- (2) The Secretary of State—
 - (a) may provisionally include the individual in the list kept under section 1 above; and
 - (b) if he does so, shall determine in accordance with subsections (3) to (5) below whether the individual’s inclusion in the list should be confirmed.
- (3) The Secretary of State shall—
 - (a) invite observations from the individual on the report, so far as relating to him, and, if the Secretary of State thinks fit, on any observations submitted under paragraph (b) below; and

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- (b) invite observations from the relevant employer on any observations on the report and, if the Secretary of State thinks fit, on any other observations under paragraph (a) above.
- (4) Where the Secretary of State has considered the report, any observations submitted to him and any other information which he considers relevant, he shall confirm that individual's inclusion in the list if subsection (5) below applies; otherwise he shall remove him from the list.
- (5) This subsection applies if the Secretary of State is of the opinion—
 - (a) that the person who held the inquiry reasonably considered the individual to be guilty of relevant misconduct; and
 - (b) that the individual is unsuitable to work with children.
- (6) In this section—
 - “relevant employer” means the person who, at the time referred to in the definition of “relevant misconduct” below, employed the individual in a child care position;
 - “relevant misconduct” means misconduct which harmed a child or placed a child at risk of harm and was committed (whether or not in the course of his employment) at a time when the individual was employed in a child care position.
- (7) In this section “relevant inquiry” means any of the following—
 - (a) an inquiry held under—
 - (i) section 10 of the Care Standards Act 2000;
 - (ii) section 35 of the Government of Wales Act 1998;
 - (iii) section 81 of the Children Act 1989;
 - (iv) section 84 of the National Health Service Act 1977;
 - (v) section 7C of the Local Authority Social Services Act 1970;
 - (b) an inquiry to which the Tribunals of Inquiry (Evidence) Act 1921 applies;
 - (c) any other inquiry or hearing designated for the purposes of this section by an order made by the Secretary of State.
- (8) An order under subsection (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Before making an order under subsection (7) above the Secretary of State shall consult the National Assembly for Wales.”
- (2) In section 1(2) of that Act (duty of Secretary of State to keep list), before the “or” preceding paragraph (b) there shall be inserted—
 - “(aa) he has been included in the list under section 2B below;”.