



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

99 Transfer from Consultancy Service Index of individuals named in past inquiries

- (1) Section 3 of the 1999 Act (inclusion in list on transfer from Consultancy Service Index) shall be amended as follows.
- (2) In subsection (1), for “This section” there shall be substituted “Subsections (2) and (3) below” and in paragraph (a), for “this section” there shall be substituted “section 1 above”.
- (3) After subsection (3) there shall be inserted—
 - “(4) Subsections (5) and (6) below apply 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;
 - (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; and
 - (d) the individual is included in the Consultancy Service Index (otherwise than provisionally) immediately before the commencement of section 1 above.
- (5) 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

Status: This is the original version (as it was originally enacted).

- (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.
- (6) The Secretary of State shall include the individual in the list kept by him under section 1 above if, after he has considered the report, any observations submitted to him and any other information which he considers relevant, he 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.
- (7) In this section—
 - “relevant employer”, in relation to an individual named in the report of a relevant inquiry, 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 inquiry” has the same meaning as in section 2B above;
 - “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.”