



# Protection of Children Act 1999

## 1999 CHAPTER 14

### *Department of Health list*

#### **3 Inclusion in list on transfer from Consultancy Service Index.**

- (1) [<sup>F1</sup>Subsections (2) and (3) below] applies where—
- an individual is included in the Consultancy Service Index (otherwise than provisionally) immediately before the commencement of [<sup>F2</sup>section 1 above];
  - he was so included on a reference made to the Secretary of State by an organisation; and
  - any of the conditions mentioned in section 2(2)(a) to (c) above, or the condition mentioned in section 2(3) above, was fulfilled in relation to that reference.
- (2) If it appears from the information submitted with the reference that it may be appropriate for the individual to be included in the list kept by the Secretary of State under section 1 above, the Secretary of State shall—
- invite observations from the individual on the information submitted with the reference and, if he thinks fit, on any observations submitted under paragraph (b) below; and
  - invite observations from the organisation on any observations on the information submitted with the reference and, if he thinks fit, on any other observations under paragraph (a) above.
- (3) The Secretary of State shall include the individual in the list kept by him under section 1 above if, after he has considered the information submitted with the reference, any observations submitted to him and any other information which he considers relevant, he is of the opinion—
- that the organisation reasonably considered the individual to be 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
  - that the individual is unsuitable to work with children.

[<sup>F3</sup>(4) Subsections (5) and (6) below apply where—

*Status: Point in time view as at 07/06/2005. This version of this provision has been superseded.*

*Changes to legislation: Protection of Children Act 1999, Section 3 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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
  - (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.]

#### Textual Amendments

- F1** Words in s. 3(1) substituted (15.9.2000) by 2000 c. 14, s. 99(2); S.I. 2000/2544, art. 2(1)(b)
- F2** Words in s. 3(1)(a) substituted (15.9.2000) by 2000 c. 14, s. 99(2); S.I. 2000/2544, art. 2(1)(b)
- F3** S. 3(4)-(7) inserted (15.9.2000) by 2000 c. 14, s. 99(3); S.I. 2000/2544, art. 2(1)(b)

#### Commencement Information

- II** S. 3 wholly in force at 2.10.2000; s. 3 not in force at Royal Assent see s. 14(2); s. 3(1)(2) in force (5.6.2000) by S.I. 2000/1459, art. 2; s. 3(3) in force (1.9.2000) for certain purposes by S.I. 2000/2337, art. 2(1)(b); s. 3 in force at 2.10.2000 in so far as not already in force by S.I. 2000/2337, art. 2(2)

**Status:**

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**Changes to legislation:**

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