



Protection of Children Act 1999

1999 CHAPTER 14

Department of Health list

3 Inclusion in list on transfer from Consultancy Service Index

- (1) This section applies where—
 - (a) an individual is included in the Consultancy Service Index (otherwise than provisionally) immediately before the commencement of this section;
 - (b) he was so included on a reference made to the Secretary of State by an organisation; and
 - (c) 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—
 - (a) 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
 - (b) 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—
 - (a) 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
 - (b) that the individual is unsuitable to work with children.