



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

98 Individuals providing care funded by direct payments.

(1) After section 2C of the 1999 Act (inserted by section 97) there is inserted—

“2D Local authorities proposing to make direct payments in respect of services.

- (1) A local authority may refer a relevant individual to the Secretary of State where, as a result of enquiries made, or caused to be made, by it under section 47 of the ^{M1}Children Act 1989, the authority considers that the individual has been guilty of misconduct (whether or not in the course of his employment) which harmed a child or placed a child at risk of harm.
- (2) Section 2(4) to (7) above shall apply in relation to a reference made by a local authority under subsection (1) above as it applies in relation to a reference made by an organisation under section 2(1) above.
- (3) In this section—
 - “funded care” means care in respect of a person’s securing the provision of which the authority has made a payment under section 17A of the ^{M2}Children Act 1989 (direct payments);
 - “relevant individual” means an individual who is or has been employed to provide funded care to a child.
- (4) The reference in subsection (1) above to misconduct is to misconduct which occurred after the commencement of this section.”

Status: Point in time view as at 25/05/2007. This version of this provision has been superseded.

Changes to legislation: Care Standards Act 2000, Section 98 is up to date with all changes known to be in force on or before 18 June 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)

(2) In section 7 of that Act (effect of inclusion in certain statutory lists), after subsection (1) there shall be inserted—

“(1A) Where—

- (a) a person (“the recipient”) employs, or proposes to employ, an individual to provide care for a child; and
- (b) a local authority proposes to make a payment to the recipient under section 17A of the ^{M3}Children Act 1989 (direct payments) in respect of his securing the provision of the care,

the authority shall, if the recipient asks it to do so, ascertain whether the individual is included in any of the lists mentioned in subsection (1) above.”

(3) After subsection (2) of that section there shall be inserted—

“(2A) Where a local authority is required under subsection (1A) above to ascertain whether an individual who has been supplied as mentioned in subsection (2) above is included in any of the lists there mentioned, there is sufficient compliance with subsection (1A) above if the authority—

- (a) satisfies itself that, on a date within the last 12 months, the organisation which supplied the individual ascertained whether he was included in any of those lists; and
- (b) obtains written confirmation of the facts as ascertained by the organisation.”

(4) In section 1(2)(a) of that Act (duty of Secretary of State to keep list), after “or 2A” there is inserted “ or 2D ”.

Commencement Information

I1 S. 98 wholly in force at 1.7.2001; s. 98 not in force at Royal Assent see s. 122; s. 98 in force for E. at 1.4.2001 by S.I. 2001/1193, arts. 1(3), 2(2); s. 98 in force for W. at 1.7.2001 by S.I. 2001/2354, art. 2

Marginal Citations

M1 1989 c. 41.
M2 1989 c. 41.
M3 1989 c. 41.

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