



# 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

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*Status: Point in time view as at 01/09/2009. This version of this provision has been superseded.*

**Changes to legislation:** Care Standards Act 2000, Section 99 is up to date with all changes known to be in force on or before 06 August 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)

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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.
- (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.”

**Status:**

Point in time view as at 01/09/2009. This version of this provision has been superseded.

**Changes to legislation:**

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