



Children Act 2004

2004 CHAPTER 31

PART 4

ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

CAFCASS functions in Wales

39 Protection of children

- (1) The Protection of Children Act 1999 (c. 14) (“the 1999 Act”) shall have effect as if the Assembly, in performing its functions under sections 35 and 36, were a child care organisation within the meaning of that Act.
- (2) Arrangements which the Assembly makes with an organisation under section 36(1) must provide that, before selecting an individual to be employed under the arrangements in a child care position, the organisation—
 - (a) must ascertain whether the individual is included in any of the lists mentioned in section 7(1) of the 1999 Act, and
 - (b) if he is included in any of those lists, must not select him for that employment.
- (3) Such arrangements must provide that, if at any time the organisation has power to refer an individual who is or has been employed in a child care position under the arrangements to the Secretary of State under section 2 of the 1999 Act (inclusion in list on reference following disciplinary actions etc), the organisation must so refer him.
- (4) In this section, “child care position” and “employment” have the same meanings as in the 1999 Act.