

# CARE STANDARDS ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part VII: Protection of Children and Vulnerable Adults**

##### **The List kept under Section 1 of the 1999 Act**

##### ***Section 96 Inclusion in 1999 Act list of individuals named in findings of certain inquiries***

251. This section is exactly analogous to section 85. It amends section 2A of PoCA and provides for the Secretary of State to be able to consider for inclusion on the list, individuals who have been named in the findings of certain inquiries. It also describes the process that the Secretary of State must use to determine whether a person so named should be included on the list. If it appears to the Secretary of State that the person who held the inquiry found that the individual was guilty of relevant misconduct while in a child care position and that the individual is unsuitable to work with children then the person will be provisionally included in the List. The Secretary of State will invite observations from the individual on the report, so far as it relates to him, and from the employer of the individual at the time the misconduct took place. If he feels it is appropriate, the Secretary of State will invite each to comment on the other party's observations. The Secretary of State will come to a decision once all the relevant information has been received.
252. *Subsection (6)* defines "relevant employer" and "relevant misconduct". *Subsections (7) to (9)* provide a list of relevant types of inquiry, and provide the Secretary of State with an order making power (in consultation with the Assembly), to enable him to add other types of inquiries or hearings to this list.