



THE PROTECTION OF CHILDREN ACT 1999

'This new Act enhances significantly the level of protection for children. However, it remains of paramount importance that all organisations entrusted with the care of children practice the full range of pre-employment checks. This includes interviews, the full investigation of applicant's employment history and taking up references.'

(John Hutton, Minister of State, July 2000).

The main provisions of the act

The act makes four principal changes to the law:

- It places the existing Department of Health Consultancy Index (a list of people considered to be unsuitable to work with children) on to a statutory basis. It then provides names to be referred to this newly created Protection of Children Act List and also provides a right of appeal to a new tribunal against the inclusion on the Protection of Children Act List.
- It amends 218 of the Education Reform Act 1988 to enable the Department for Education and employment to identify people who are put on List 99 because they are not fit and proper persons to work with children.
- It amends Part V of the Police Act 1997 to enable the CRB to disclose information about people who are included on the Protection of Children Act List along with their criminal records. In this way the Act provides for a 'one-stop-shop' system of checking persons seeking to work with children.
- It requires child care organisations proposing to employ someone in a child care position to ensure that individuals are checked through the one-stop-shop against the Protection of Children Act List and the relevant part of List 99, and not to employ anyone who is included in either list.

The Act also contains other provisions, the most important of which are:

- To enable organisation to refer names to the Protection of Children Act List.

- To permit the Secretary of State to consider the transfer of names currently held on the DH Consultancy Index to be transferred to the Protection of Children Act List.
- To allow organisations to access the new Protection of Children Act List and List 99 without first going through the Criminal Records Bureau until such time as the 'one stop shop' comes into operation within the Bureau.

Although sporting organisations are not covered by the mandatory aspects of the Act, they are encouraged to refer names to the Secretary of State for consideration of inclusion on the POCA List. Sporting organisations are also reminded that while it is not mandatory for them to carry out these checks, they are still considered an essential part of the pre-employment process.