

## SCHEDULES

### SCHEDULE 4

Section 20

#### ILL-TREATMENT OR WILFUL NEGLECT: EXCLUDED HEALTH CARE

##### *Excluded health care*

- 1 (1) For the purposes of section 20, “excluded health care” means—
- (a) health care provided on the premises of an educational institution listed in paragraph 3, subject to sub-paragraph (2);
  - (b) health care provided at accommodation provided by an educational institution listed in paragraph 3 for an individual being educated at the institution, other than accommodation provided in connection with a residential trip away from the institution;
  - (c) health care provided at a children’s home or a residential family centre in respect of which a person is registered under Part 2 of the Care Standards Act 2000;
  - (d) health care provided on a part of other premises at a time when the part is being used entirely or mainly for an education or childcare purpose;
- subject to sub-paragraph (3).
- (2) Health care is not excluded health care if it is provided on a part of the premises of an educational institution listed in paragraph 3 at a time when the sole or main purpose for which the part of the premises is being used—
- (a) is not connected with the operation of the institution, and
  - (b) is not an education or childcare purpose.
- (3) Health care is not excluded health care if it is provided on the premises of a hospital to an individual who is being educated there by reason of a decision made by a registered medical practitioner.

##### *Use “for an education or childcare purpose”*

- 2 A part of premises is used “for an education or childcare purpose” when it is used—
- (a) for the purposes of education provided for an individual being educated at an educational institution listed in paragraph 3 in circumstances in which the institution requires the individual to attend at the premises for that purpose;
  - (b) for the purposes of education provided for a child of compulsory school age under section 19 of the Education Act 1996 or section 100 of the Education and Inspections Act 2006 (provision of education in cases of illness, exclusion etc);
  - (c) for the purposes of education provided for a child of compulsory school age as required by section 7 of the Education Act 1996, otherwise than by regular attendance at an educational institution listed in paragraph 3;

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*Status: This is the original version (as it was originally enacted).*

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- (d) for the purposes of early years provision or later years provision provided in England by a person who is registered, or required to be registered, to provide such provision under Part 3 of the Childcare Act 2006;
- (e) for the purposes of later years provision provided in England for a child who is aged 8 or over in circumstances in which a requirement to register would arise under Part 3 of the Childcare Act 2006 if the child were aged under 8;
- (f) for the purposes of childminding or day care provided in Wales by a person who is registered, or is required to be registered, to provide such care under Part 2 of the Children and Families (Wales) Measure 2010 ([nawm 1](#));
- (g) for the purposes of a holiday scheme for disabled children in England carried on or managed by a person who is registered to carry on or manage such schemes, or required to be so registered, under Part 2 of the Care Standards Act 2000.

#### *Educational institutions*

- 3 The educational institutions mentioned in paragraphs 1(1)(a) and (b) and (2) and 2(a) and (c) are—
- (a) a maintained school (as defined in section 20(7) of the School Standards and Framework Act 1998);
  - (b) a maintained nursery school (as defined in section 22(9) of the Schools Standards and Framework Act 1998);
  - (c) an independent school (as defined in section 463 of the Education Act 1996) entered on a register of independent schools kept under section 158 of the Education Act 2002;
  - (d) an independent educational institution (as defined in section 92(1) of the Education and Skills Act 2008) entered on a register of independent educational institutions kept under section 95 of that Act;
  - (e) a school approved under section 342 of the Education Act 1996 (non-maintained special schools);
  - (f) a pupil referral unit (as defined in section 19 of the Education Act 1996);
  - (g) an alternative provision Academy (as defined in section 1C(3) of the Academies Act 2010);
  - (h) a 16 to 19 Academy (as defined in section 1B(3) of the Academies Act 2010);
  - (i) a sixth form college (as defined in section 91(3A) of the Further and Higher Education Act 1992);
  - (j) a special post-16 institution (as defined in section 83(2) of the Children and Families Act 2014).

#### *Definitions*

- 4 In this Schedule—
- “childminding” has the same meaning as in Part 2 of the Children and Families (Wales) Measure 2010 ([nawm 1](#));
  - “children’s home” has the meaning given in section 1 of the Care Standards Act 2000;
  - “day care” has the same meaning as in Part 2 of the Children and Families (Wales) Measure 2010 ([nawm 1](#));

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“early years provision” has the meaning given in section 96 of the Childcare Act 2006;

“education”—

- (a) does not include higher education;
- (b) includes vocational, social, physical and recreational training;

“health care” has the same meaning as in section 20;

“higher education” has the meaning given in section 579(1) of the Education Act 1996;

“hospital”—

- (a) in relation to England, has the same meaning as in section 275 of the National Health Service Act 2006, and
- (b) in relation to Wales, has the same meaning as in section 206 of the National Health Service (Wales) Act 2006;

“later years provision” has the meaning given in section 96 of the Childcare Act 2006;

“premises”, in relation to an educational institution, includes detached playing fields but does not include land occupied solely as a dwelling by a person employed at the institution;

“residential family centre” has the meaning given in section 4 of the Care Standards Act 2000.