



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 1

#### CRIMINAL JUSTICE

##### *Offences involving ill-treatment or wilful neglect*

#### **20 Ill-treatment or wilful neglect: care worker offence**

- (1) It is an offence for an individual who has the care of another individual by virtue of being a care worker to ill-treat or wilfully to neglect that individual.
- (2) An individual guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both);
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both).
- (3) “Care worker” means an individual who, as paid work, provides—
  - (a) health care for an adult or child, other than excluded health care, or
  - (b) social care for an adult,including an individual who, as paid work, supervises or manages individuals providing such care or is a director or similar officer of an organisation which provides such care.
- (4) An individual does something as “paid work” if he or she receives or is entitled to payment for doing it other than—
  - (a) payment in respect of the individual’s reasonable expenses,
  - (b) payment to which the individual is entitled as a foster parent,
  - (c) a benefit under social security legislation, or
  - (d) a payment made under arrangements under section 2 of the Employment and Training Act 1973 (arrangements to assist people to select, train for, obtain and retain employment).

- (5) “Health care” includes—
- (a) all forms of health care provided for individuals, including health care relating to physical health or mental health and health care provided for or in connection with the protection or improvement of public health, and
  - (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition,
- and “excluded health care” has the meaning given in Schedule 4.
- (6) “Social care” includes all forms of personal care and other practical assistance provided for individuals who are in need of such care or assistance by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs or any other similar circumstances.
- (7) References in this section to a person providing health care or social care do not include a person whose provision of such care is merely incidental to the carrying out of other activities by the person.
- (8) In this section—
- “adult” means an individual aged 18 or over;
  - “child” means an individual aged under 18;
  - “foster parent” means—
- (a) a local authority foster parent within the meaning of the Children Act 1989,
  - (b) a person with whom a child has been placed by a voluntary organisation under section 59(1)(a) of that Act, or
  - (c) a private foster parent within the meaning of section 53 of the Safeguarding Vulnerable Groups Act 2006.
- (9) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2)(b) to 12 months is to be read as a reference to 6 months.
- (10) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (2)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.