



# Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

## PART 3

### ILL-TREATMENT AND WILFUL NEGLECT

#### *Offences by care workers and care providers*

#### **28 Meaning of “care worker” and “care provider” etc.**

- (1) In this Part, “care worker” means—
- (a) an employee who provides adult health care or adult social care,
  - (b) a volunteer who provides adult health care or adult social care,
  - (c) an individual who supervises or manages employees or volunteers providing adult health care or adult social care,
  - (d) a director or similar officer of an organisation whose employees or volunteers provide adult health care or adult social care.
- (2) For the purposes of subsection (1)—
- (a) “employee” means an individual in paid employment, whether under a contract of service or apprenticeship or under a contract for services,
  - (b) “volunteer” means a volunteer for a body, other than a public or local authority, the activities of which are not carried on for profit.
- (3) In this Part, “care provider” means—
- (a) a body corporate, a partnership or an unincorporated association which provides or arranges for the provision of—
    - (i) adult health care, or
    - (ii) adult social care, or
  - (b) an individual who provides that care and employs, or has otherwise made arrangements with, other persons to assist with the provision of that care.
- (4) In this section—

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*Status: This is the original version (as it was originally enacted).*

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- (a) references to a person providing adult health care or adult social care do not include a person whose provision of that care is merely incidental to the carrying out of other activities by the person, and
- (b) references to a person arranging for the provision of that care do not include a person who makes arrangements under which the provision of care is merely incidental to the carrying out of other activities.

(5) In this Part—

“adult health care” means a service for or in connection with the prevention, diagnosis or treatment of illness provided to an individual aged 18 or over—

- (a) under the health service continued under section 1 of the National Health Service (Scotland) Act 1978, or
- (b) by persons providing an independent health care service mentioned in section 10F(1) of that Act,

“adult social care” means a service—

- (a) in section 47(1)(a), (b), (d) or (m) of the Public Services Reform (Scotland) Act 2010 to the extent that the service is provided to an individual aged 18 or over, or
- (b) in section 47(1)(g) or (j) of that Act to the extent that the service is provided to an individual aged 16 or over.