

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part VII: Protection of Children and Vulnerable Adults

Protection of vulnerable adults

Section 80 Basic definitions

221. This section provides the basic definitions relevant to this Part of the Act. *Subsection (2)* defines care workers. Broadly, these are individuals employed in care homes, private and voluntary hospitals or clinics, independent medical agencies or NHS establishments who have regular contact with vulnerable adults in the course of their normal duties, and individuals who provide personal care to people in their own homes. The approach for healthcare establishments is that these provisions will only apply where individuals are employed in prescribed services. For example, staff on a geriatric ward would be included, but staff on a paediatric ward would not be. *Subsection (3)* defines “care position”.
222. *Subsection (4)* provides that for this Part of the Act, employment is defined as it is in section 12(1) of PoCA:
- “employment”-
- (a) means any employment, whether paid or unpaid and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract; and
 - (b) includes an office established by or by virtue of a prescribed enactment, and references to an individual being employed shall be construed accordingly.
223. *Subsection (5)* defines supply workers. These are workers who are found care work through employment agencies or businesses, including those supplied by domiciliary care agencies to provide personal care to people in their own homes. The definition also includes temporary staff supplied by employment agencies or businesses to work in care positions as defined in subsection (3).
224. *Subsection (6)* defines vulnerable adults. Three groups of adults are identified:
- those receiving accommodation and nursing or personal care in a care home;
 - those receiving personal care in their own home through a domiciliary care agency; and
 - those receiving certain services in healthcare settings, including private, voluntary and NHS establishments. (The services included will be set out in regulations under subsection (2) above).
225. *Subsection (7)* defines the providers of services to vulnerable adults. These are any person who is registered as carrying on a care home, a domiciliary care agency, or an

*These notes refer to the Care Standards Act 2000
(c.14) which received Royal Assent on 20 July 2000*

independent healthcare establishment, independent medical agency or NHS body which provides prescribed services.

226. *Subsection (8)* The PoVA scheme will be operated by the Secretary of State for both England and Wales, but with the Secretary of State alone having regulation making powers. However, he will be required to consult the National Assembly for Wales before making any such regulations.