



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Care workers for persons with a mental disorder*

#### **42 Care workers: interpretation**

- (1) For the purposes of sections 38 to 41, a person (A) is involved in the care of another person (B) in a way that falls within this section if any of subsections (2) to (4) applies.
- (2) This subsection applies if—
  - (a) B is accommodated and cared for in a care home, community home, voluntary home or children's home, and
  - (b) A has functions to perform in the home in the course of employment which have brought him or are likely to bring him into regular face to face contact with B.
- (3) This subsection applies if B is a patient for whom services are provided—
  - (a) by a National Health Service body or an independent medical agency, or
  - (b) in an independent clinic or an independent hospital,and A has functions to perform for the body or agency or in the clinic or hospital in the course of employment which have brought him or are likely to bring him into regular face to face contact with B.
- (4) This subsection applies if A—
  - (a) is, whether or not in the course of employment, a provider of care, assistance or services to B in connection with B's mental disorder, and
  - (b) as such, has had or is likely to have regular face to face contact with B.
- (5) In this section—

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*Status: This is the original version (as it was originally enacted).*

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“care home” means an establishment which is a care home for the purposes of the Care Standards Act 2000 (c. 14);

“children’s home” has the meaning given by section 1 of that Act;

“community home” has the meaning given by section 53 of the Children Act 1989 (c. 41);

“employment” 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;

“independent clinic”, “independent hospital” and “independent medical agency” have the meaning given by section 2 of the Care Standards Act 2000;

“National Health Service body” means—

- (a) a Health Authority,
- (b) a National Health Service trust,
- (c) a Primary Care Trust, or
- (d) a Special Health Authority;

“voluntary home” has the meaning given by section 60(3) of the Children Act 1989.