

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 4. (See end of Document for details)

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;
 - [^{F1}(ca) health care provided at a place in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide—
 - (i) a care home service wholly or mainly to children, ^{F2}...
 - (ii) a residential family centre service; [^{F3}or
 - (iii) a secure accommodation service;]]
 - (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.

Textual Amendments

- F1** Sch. 4 para. 1(1)(ca) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1), 54(2)**
- F2** Word in Sch. 4 para. 1(1)(ca)(i) omitted (29.4.2019) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), **regs. 1(1), 32(a)**
- (i)

*Changes to legislation: There are currently no known outstanding effects for the
 Criminal Justice and Courts Act 2015, SCHEDULE 4. (See end of Document for details)*

F3 Sch. 4 para. 1(1)(ca)(iii) and word inserted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), 32(a)(ii)

Commencement Information

I1 Sch. 4 para. 1 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 74](#)

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 ^[F4] or 19A] 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;
 - (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.

Textual Amendments

F4 Words in [Sch. 4 para. 2\(b\)](#) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 15\(a\)](#)

Commencement Information

I2 Sch. 4 para. 2 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 74](#)

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);

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 4. (See end of Document for details)

- (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 ^{F5}section 19]^{F5}sections 19 and 19A] 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).

Textual Amendments

- F5** Words in [Sch. 4 para. 3\(f\)](#) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 15\(b\)](#)

Commencement Information

- I3** Sch. 4 para. 3 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 74](#)

Definitions

4 In this Schedule—

^{F6}“care home service” has the meaning given in paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;]

“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);

“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;

*Changes to legislation: There are currently no known outstanding effects for the
Criminal Justice and Courts Act 2015, SCHEDULE 4. (See end of Document for details)*

“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.

[^{F6}“residential family centre service” has the meaning given in paragraph 3 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.]

[^{F7}“secure accommodation service” has the meaning given in paragraph 2 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.]

Textual Amendments

- F6** Definitions of “care home service” and “residential family centre service” in Sch. 4 para. 4 inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 54(3)
- F7** Words in Sch. 4 para. 4 inserted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), **regs. 1(2)**, **32(b)**

Commencement Information

- I4** Sch. 4 para. 4 in force at 13.4.2015 by [S.I. 2015/778](#), **art. 3**, **Sch. 1 para. 74**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 4.