



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Offences involving ill-treatment or wilful neglect

22 Care provider offence: excluded care providers

- (1) A local authority in England is not a care provider for the purposes of section 21 to the extent that it carries out functions to which Chapter 4 of Part 8 of the Education and Inspections Act 2006 applies.
- (2) A person is not a care provider for the purposes of section 21 to the extent that the person carries out a function of a local authority in England mentioned in subsection (1) in respect of which either of the following has effect—
 - (a) a direction under section 15(6)(a) of the Local Government Act 1999 (power of Secretary of State to direct functions of a best value authority to be carried out by another person);
 - (b) a direction under section 497A(4) or (4A) of the Education Act 1996 (power of Secretary of State to direct certain functions to be carried out by another person).
- (3) Where a body corporate has entered into arrangements with a local authority in England under Part 1 of the Children and Young Persons Act 2008 (social work services for children and young persons), the body is not a care provider for the purposes of section 21 to the extent that it carries out relevant care functions of that authority (as defined in that Part of that Act) under those arrangements.
- (4) A local authority in Wales is not a care provider for the purposes of section 21 to the extent that it—
 - (a) carries out functions under Part 2 of the Childcare Act 2006;
 - (b) carries out the education functions of the authority (as defined in section 579(1) of the Education Act 1996);

- (c) carries out the social services functions of the authority (as defined in the Local Authority Social Services Act 1970), so far as relating to a child.
- (5) A person is not a care provider for the purposes of section 21 to the extent that the person carries out a function of a local authority in Wales mentioned in subsection (4) in respect of which any of the following has effect—
- (a) a direction under section 29(6)(a) of the Local Government (Wales) Measure 2009 (nawm 2) (power of Welsh Ministers to direct certain functions of a Welsh improvement authority to be carried out by another person);
 - (b) a direction under section 25 or 26 of the [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#) (powers of Welsh Ministers to direct education functions to be carried out by another person);
 - (c) a direction under section 154 or 155 of the [Social Services and Well-Being \(Wales\) Act 2014 \(anaw 4\)](#) (powers of Welsh Ministers to direct social services functions to be carried out by another person).
- (6) A registered adoption society or registered adoption support agency is not a care provider for the purposes of section 21 to the extent that it provides adoption support services (as defined in section 2(6) of the Adoption and Children Act 2002).
- (7) In this section, “local authority” means—
- (a) in England, a county council, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council, a London borough council, the Council of the Isles of Scilly and (in its capacity as a local authority) the Common Council of the City of London, and
 - (b) in Wales, a county council or a county borough council.
- (8) In this section—
- “child” has the same meaning as in section 20;
 - “registered adoption society” means an adoption society (as defined in section 2 of the Adoption and Children Act 2002) which is a voluntary organisation (as defined in that section) and in respect of which a person is registered under Part 2 of the Care Standards Act 2000;
 - “registered adoption support agency” means an adoption support agency (as defined in section 8 of the Adoption and Children Act 2002) in respect of which a person is registered under Part 2 of the Care Standards Act 2000.