

Protecting Vulnerable Adults and Children

Criminal Laws (Amendment) Bill 2024

Are vulnerable adults and children protected by the law?

Vulnerable adults and children rely upon others for care and it is important that the law protects them from criminal behaviour.

Although the current law provides a high standard of protection for vulnerable adults and children a Government review has identified that there are areas of the law which require updating and areas where new criminal offences can help to extend the high level of protection currently in place to ensure that as much protection as possible is given to vulnerable adults and children.

What does the Bill aim to do?

(a) Increase in maximum sentences

The Bill increases the maximum sentence for causing or allowing the death of a vulnerable adult or child from imprisonment for 14 years to imprisonment for life.

The maximum sentence for causing or allowing serious physical harm to a vulnerable adult or child is increased from imprisonment for 10 years to imprisonment for 14 years.

(b) Protection from ill-treatment or wilful neglect by care workers and care providers

Paid care workers and care providers are responsible for caring for vulnerable adults and children in the community or in a care setting. The overwhelming majority of care workers and care providers undertake their duties to a high standard and provide a vital service for people in need.

On occasion, a care worker may ill-treat or wilfully neglect a vulnerable adult or child in their care and some care providers may operate a system of work which is poor in standard and which contributes to the ill-treatment or wilful neglect occurring.

The Bill aims to protect vulnerable adults and children from ill-treatment or wilful neglect by creating new offences in relation to paid care workers and care providers. These offences apply to all paid care workers, including care workers employed by the Government and also to the Government as a care provider.

Under the Bill, it is an offence for a paid care worker who is providing health care or social care to ill-treat or wilfully neglect an individual in their care. The maximum penalty for this offence is imprisonment for 5 years.

It is an offence where a care provider manages or organises its activities in such a way as to amount to a gross breach of the care owed to a person who has been ill-treated or neglected, and where, in the absence of the gross breach, the ill-treatment or wilful neglect would not have occurred, or would have been less likely to occur. The maximum penalty for this offence is an unlimited fine.

April 2024

