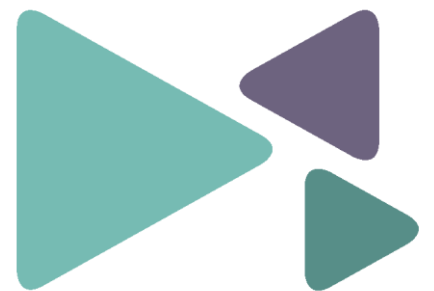


Regulated Activity with Children



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Regulated Activity with children

What is Regulated Activity?

Regulated Activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA).

A child is any person who has not reached the age of 18 years. However, if an activity relates solely to their employment e.g. induction training when starting work, they are only considered a child under the age of 16 years.

If you are employing or assessing someone to do work that is regulated activity with children you could request an enhanced DBS check with a children's barred list check.

What is Regulated Activity with Children is made up of?

Regulated Activity with children is made up of:

- What activity a person carries out and how often the person does it
- Where the role takes place and how often the person will work there
- Working in specified positions in Wales

What activities are being entitled to being checked on the children's barred list?

| Activity | Period condition | Supervision | Age of child |
|---|--|--------------------|---|
| Teaching, training or instruction, care or supervision of children | More than 3 days in a 30-day period or overnight between 2am & 6am with the opportunity for face to face contact with children | Must be considered | Under 18—but not if the activity is in relation to the child's paid or unpaid employment and they are 16/17 |
| Moderating a web service wholly or mainly for children | More than 3 days in a 30-day period ONLY | Not required | Under 18 |
| Advice or guidance wholly or mainly to children | More than 3 days in a 30-day period or overnight between 2am & 6am with the opportunity for face to face contact with children | Not required | Under 18—but not if the activity is in relation to the child's paid or unpaid employment and they are 16/17 |
| Driving a vehicle | More than 3 days in a 30-day period ONLY | Not required | Under 18 |
| Health care or personal care | Once is enough | Not required | Under 18 |
| Registering to be a foster carer or private foster carer | None | Not required | Under 18 |
| Registering to be a child minder or child care provider, including voluntary registration | None | Not required | Under 18 |

What are the specified settings for children?

This section outlines the criteria that need to be met for roles which are not providing teaching, training, instruction, care, supervision or advice in one of the specified establishments listed below.

If someone does not meet regulated activity because of what they do, they may meet it because of where they work.

This will be mainly, but not exclusively, for ancillary roles e.g. cleaners, administrative staff etc.

The specified establishments are:

- An educational institute exclusively or mainly for the provision or full time education of children
- A pupil referral
- A provider of nursery education
- A detention centre for children
- A children's home or a home provided under the children act 1989
- A children's centre
- Relevant childcare premises
- A children's hospital in Wales

Ancillary roles

Ancillary roles in these specified establishments must meet all four of the following criteria to be in regulated activity with children:

- They must work there on more than 3 days in 30 day period or overnight between 2am and 6am with the opportunity for face to face contact with children and
- They have the opportunity because of their job to have contact with the children in the establishment and
- They work there for the purpose of the establishment and
- It is not temporary or occasional work and
- It is not a supervised volunteer role

Carrying out activities in a specified setting under supervision

If the role meets the definition of Regulated Activity with children because it involves teaching, training or instructing children, or is providing any form of care for or supervision of children in a specified establishment and the period is met, then the organization must consider the DFE statutory supervision guidance.

If the role is undertaking one of the specified activities in a specified establishment, is voluntary and the organisation decides that the role is sufficiently supervised, then the volunteer is not in regulated activity with children and is eligible for an enhanced DBS check only.

If that role working within the specified establishments is paid, then the individual will always be in regulated activity with children and eligible for an enhanced DBS with a children's barred list check.

This is regardless of the level of supervision they are under.

Specified positions in Wales




These positions meet the definition of regulated activity with children because of the job title, or responsibilities, and do not need to be carried out a specific number of times.

- Functions of the Children's Commissioner for Wales and of the Deputy Children's Commissioner for Wales
- The following positions are in regulated activity with children only if the job holder has the opportunity, because of the role held, to have contact with the children
- Functions of the Welsh Ministers to inspect registered establishments or agencies, an NHS body or anyone providing healthcare for the body
- Functions relating to the inspection of childminding, or fostering agency, residential family centre, voluntary adoption agency, adoption support agency
- Functions relating to the welfare of children in boarding schools
- Functions relating to inspections of teacher training, local education authorities, registered independent school, boarding schools and college
- Functions relating to a review or investigation of the functions of children's services authorities
- Functions relating to the inspection of careers services

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.



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