

## **Appendix 1: Regulated Activity as defined by the Disclosure and Barring Service (as at Sept 2013)**

### **Background**

The Coalition's Programme for Government included a commitment to "*review the criminal records and vetting and barring regime and scale it back to common sense levels*".

The review was conducted by the Home Office, Department for Education and Department of Health; the review report and recommendations were published alongside the Protection of Freedoms Bill in 2011; this then became the Protection of Freedoms Act 2012.

One aspect of the Act (Part 5) amends the Safeguarding Vulnerable Groups Act 2006 which provides the framework for the vetting and barring scheme operated by the Independent Safeguarding Authority (ISA). The amendments, in particular, repeal the provisions of the 2006 Act which provide for the monitoring by the Secretary of State of persons engaging in "regulated activity". The purpose of these amendments collectively is to remodel the scheme so that, whilst a national barring function is retained, registration and monitoring requirements are abolished as is the concept of "controlled activity". The scope of "regulated activity" is narrowed.

### **Summary of the new definition of regulated activity**

*The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).*

*Regulated activity still excludes family arrangements, and personal, non-commercial arrangements.*

### **Regulated activity relating to children**

The new definition of regulated activity relating to children comprises only:

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

*Work under (i) or (ii) is regulated activity only if done regularly. We are providing statutory guidance about supervision of activity which would be regulated activity if unsupervised.*

- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- (iv) Registered childminding; and foster-carers.

## **Regulated activity relating to adults**

*The new definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities.*

*There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.*

There are six categories of people who will fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people). A broad outline of these categories is set out below.

### **(i) Providing health care**

Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.

### **(ii) Providing personal care**

Anyone who:

- provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;
- prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision; or
- trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

### **(iii) Providing social work**

The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

### **(iv) Assistance with cash, bills and/or shopping**

The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.

### **(v) Assistance in the conduct of a person's own affairs**

Anyone who provides various forms of assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney.

(vi) Conveying

A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care.

This does not include family and friends or taxi drivers.