

This Factsheet provides a summary of the main provisions of regulated activity relating to children. It is intended as a general aid. It is not legal advice or guidance and does not cover all aspects of regulated activity relating to children or cover all exceptions.

### Activity of a specified nature

- Teaching, training, instruction, care for or supervision of children (except if the person undertaking the activities is under regular supervision)<sup>1</sup> if carried out by the same person frequently<sup>2</sup> or overnight<sup>3</sup>.
- Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well-being if carried out by the same person frequently<sup>2</sup> or overnight<sup>3</sup>.

### Activity within specified establishment

- Any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently<sup>2</sup>:
- Excepted is work by volunteers under regular supervision<sup>1</sup> or occasional or temporary contract work that is not an activity of a specified nature listed above.
- Specified establishments are schools, pupil referral units, academies, nursery schools, Further Education (FE) establishments mostly for children, institutions for the detention of children, children's homes, children's centres (in England), children's hospitals (in Northern Ireland) and childcare premises including nurseries.

### Healthcare of a child (any frequency)

- Healthcare provided to a child by a health care professional or by a person acting under the direction or supervision of a healthcare professional.
- A health care professional who is a person regulated by a professional healthcare regulator (i.e. a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002).
- Health care includes: all forms of health care provided for children and includes physical, mental and palliative health care; diagnostic tests and investigative procedures and procedures similar to surgical or medical

care, but not provided in connection with a medical condition.

### Personal Care of a child (any frequency)

- Physical help with eating or drinking for reasons of illness or disability.
- Physical help with toileting (including menstruation), washing, bathing or dressing for reasons of age, illness or disability.
- Prompting together with supervision when a child is otherwise unable to decide for themselves in relation to any of the above personal care activities.
- Training or advice given to a child in relation to any of the above personal care activities.

### Moderating an online forum for children

Moderating a public electronic interactive communication service likely to be used wholly or mainly by children and carried out by the same person frequently<sup>2</sup>. Except activity by a person who does not have access to the content of the matter or with users of the service.

### Driving a vehicle used for conveying children

Driving a vehicle being used only for conveying children and their carers or supervisors under a contract or similar arrangement when carried out by the same person frequently<sup>2</sup>.

### Early years or later years childminding (any frequency)

Early or later years childminding where there is a requirement to register or for voluntary registration under the Childcare Act 2006 and where the activity takes place on domestic premises for reward.

### Fostering a child (any frequency)

### Day to day management of regulated activity (any frequency)

Day to day management on a regular basis, of a person who is providing a regulated activity in relation to children. This includes the supervisor of a person who would be in regulated activity if not under regular supervision<sup>1</sup>.

### Northern Ireland and Wales

Regulated activity with children in Northern

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Ireland and in Wales also includes a number of office holders that are not in regulated activity in England. Further information is available on the DBS website.

## Other key exceptions to regulated activity relating to children

### Family and Personal Relationships

Excepted from regulated activity relating to children is any activity conducted in the course of a family relationship, or a personal relationship between friends for no commercial consideration.

Family relationships involve close family (e.g. parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family.

Personal, non commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial relationship (for example, gifting a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.

### Peer Groups

Excepted from regulated activity relating to children is a person who is part of a peer group and is assisting or under the direction of a person who is engaging in regulated activity. For example a student helping a teacher.

### Supervising a Child in Employment

Excepted from regulated activity relating to children is a person who supervises a child in the course of the child's employment including work experience. However, it is regulated activity if the child is under 16 and it is carried out by an unsupervised<sup>1</sup> person for whom arrangements exist principally for that purpose.

### Definition of a Child

A child is a person aged under 18 years of age.

### Statutory Supervision Guidance

To be supervised in accordance with HM Government statutory guidance, the supervision must be regular and day-to-day, by a person engaging in regulated activity and reasonable in all the circumstances for the protection of children. Further information is provided in the HM Government statutory supervision guidance available from the DBS website.

### DBS Check

An eligible organisation recruiting to a position (paid or unpaid) that falls within the definition of regulated activity relating to children, may request an applicant to obtain an enhanced DBS Check with barred list check to help determine their suitability for the position, prior to engaging them. Eligible staff in post may also be re-checked to help confirm their ongoing suitability. Further information on eligibility for DBS Checks is available on the DBS website.

### Legislation and Guidance

Regulated activity relating to children is defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended). Further information is provided in the HM Government Factual Note on regulated activity relating to children and statutory supervision guidance available from the DBS website.

### Further Information

For more information please contact us:

**Website:** [www.gov.uk/dbs](http://www.gov.uk/dbs)

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**Any frequency** means that doing the activity once or more is regulated activity.

<sup>1</sup>**Supervision** as defined in statutory guidance on supervision.

<sup>2</sup>**Frequently** means once a week or more or four or more times in any 30 day period.

<sup>3</sup>**Overnight** means once or more between 2am and 6am with the opportunity for face to face contact with children

