

1. New definition of Regulated Activity relating to children – Effective from 1 Sept 2012.

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 with children: for example schools, nurseries, pupil referral units, children's centres, children's homes, childcare premises. This definition **does not** include work by supervised volunteers.

NOTE: Work under (i) or (ii) is regulated activity only if done 'regularly'. Further guidance is to be provided about supervision of activity which would be regulated activity if supervised.

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

Activities no longer covered by the new definition of regulated activity include:

- Activities supervised at a reasonable level – children
- Health care not by, or directed, or supervised, by a health care professional
- Legal advice
- Treatment/therapy

Activities in relation to '**specified places**' that are no longer covered by the new definition include:

- Occasional or temporary services e.g. maintenance,
- Volunteers supervised at reasonable levels e.g. supervised voluntary football coach,
- Office Holders
- Governors
- Inspectorates removed

2. New Definition of Regulated Activity relating to adults – Effective from 1 Sept 2012.

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.

Regulated activity continues to exclude any activity carried out in the course of family relationships, and personal, non commercial relationships. E.g. family relationships involving close and relationships between two people who live in the same household and treat each other as family.

An adult is a person aged over 18 years of age.

There are six categories of people who will fall within the new definition of regulated activity and this includes anyone who provides day to day management of supervision of those people.

A broad outline is set out below.

1. Healthcare:

I.e. a regulated healthcare professional or an individual acting under the direction or supervision of one, e.g. doctors, nurses. Health care includes all forms of healthcare, whether relating to physical or mental health or palliative care.

2. Personal Care:

I.e. assistance with washing and dressing, eating, drinking and toileting oral care or care of the skin, hair or nails because of an adult's age, illness or disability or teaching someone to do these tasks. This does not include physical assistance provided to an adult in relation to cutting their hair. This is not classed as regulated activity.

3. Social Work:

I.e. provided by a social care worker and is required in connection with any health care or social services to an adult who is a client or potential client. Including assessing and reviewing the need for health and social care services.

4. Assistance with general household matters:

Any person who provides day to day assistance to an adult because of their age, illness or disability and includes at least one of the following – managing a person's cash, paying bills, or shopping on their behalf.

5. Assistance with the conduct of an adult's own affairs:

Anyone who provides various forms of assistance in the conduct of an adults own affairs. E.g. lasting or enduring power of attorney; or appointment as adults' 'deputy' under the Mental Capacity Act 2005

6. Conveying:

I.e. conveying adults for reasons of age, illness or disability to, from or between their place of residence and a place where they have or will be receiving healthcare, personal care or social work.

Note: Regulated activity for adults continues to exclude any activity carried out in the course of family relationships, and personal, non commercial relationships.

Important Guidance:

The activities and work that will no longer fall under these new definitions, but that satisfied the old definitions of regulated activity are still eligible for an enhanced CRB check, but they will no longer be eligible for barred lists checks. The reason for this is because the posts continue to meet the old definition of regulated activity and are therefore exempt from the rehabilitation of offenders act.

Old Definition of Regulated Activity – Prior to September 2012

Involves contact with children or vulnerable adults

Of a specified nature <i>Or</i>	"Frequently, intensively and/or overnight"
In a specified place	

Or is a specified role:

- No distinction made between paid and voluntary work

In detail

of a specified nature E.g. teaching, training, care, supervision, advice, treatment or transport <i>Or</i>	"frequently, intensively and/or overnight" <ul style="list-style-type: none">● once a week for most services, <i>but once a month or more for health</i>
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In a specified place

E.g. Schools, Pupil Referral Units, Childcare premises (nurseries), Children's homes and hospitals, children's detention facilities, children's centres, adult care homes

and social care services involving personal care

- takes place on 4 days in one month or more
- Overnight: between 2 – 6am

The guidance states that there is only a requirement to check if the frequent / intensive test takes place in a single specified setting.

- Or is a specified role
E.g. Directors of Children's services, members of Youth Justice Board, School Governors
- There is no distinction made between paid and voluntary work