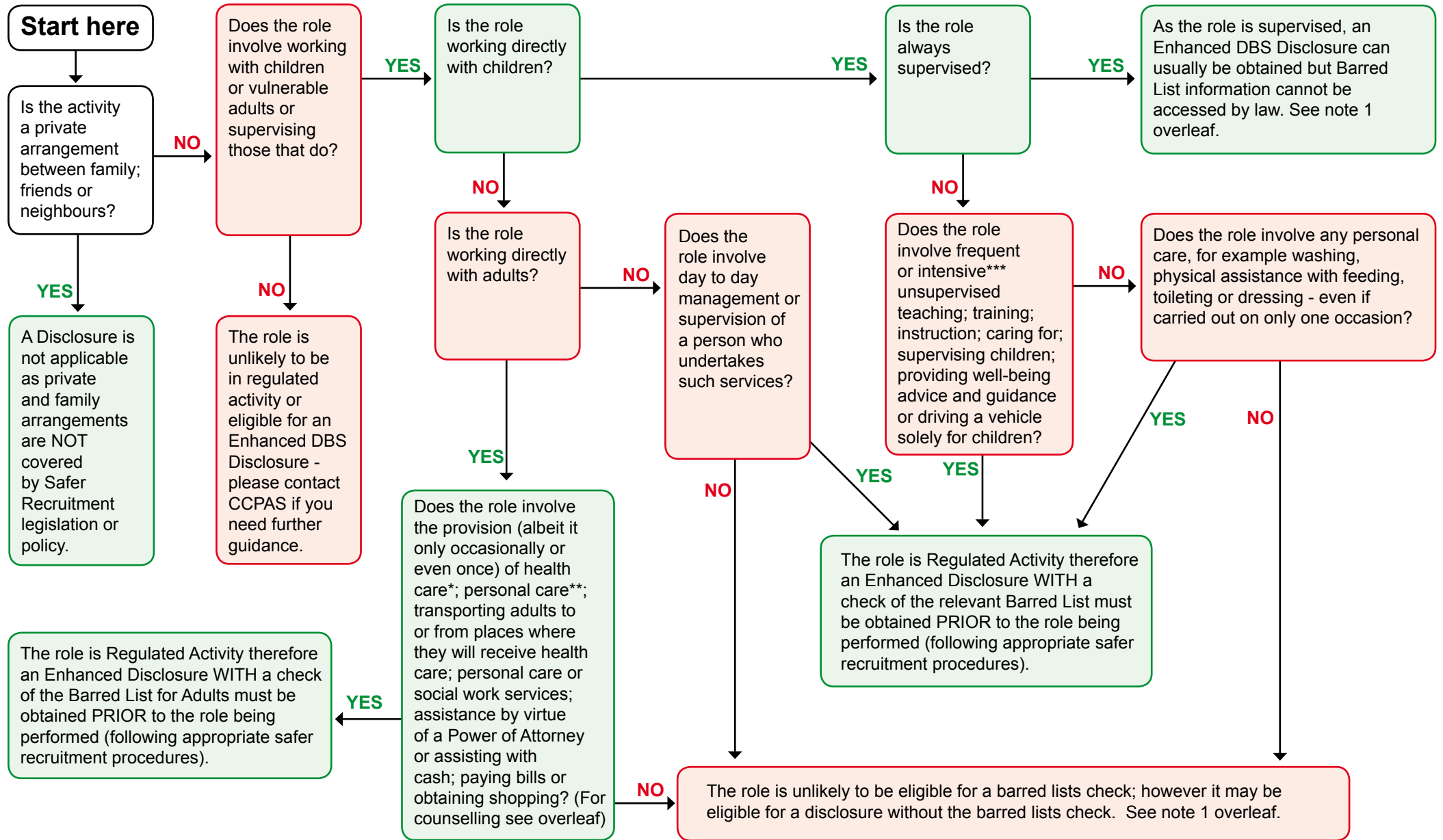


Regulated Activity Decision Making Flowchart



Regulated Activity Decision Making Flowchart Notes

Note 1: DBS Checks for those not in Regulated Activities

If an applicant is not in Regulated Activity (as per the chart) but works with children and/or vulnerable adults then it is possible they are still eligible for an enhanced DBS check but without a check of the barred lists. It is the Charity Commission's expectation (and many insurance companies) that you apply for a DBS check where the applicant's role is legally eligible for one.

For vulnerable adults - If a worker is not in regulated activity with adults then they may still be able to have an enhanced check (without a check of the barred list). This would be applicable if they are a Trustee of a charity that works with adults at risk or are working weekly, or 4 or more days in a 30 day period, or overnight with those who are receiving health or social care and they are giving teaching, advice, guidance, assistance etc in a group aimed at adults who need help because of their age, illness, disability or live in certain types of accommodation such as a prison, remand centre, residential care home etc. A recent example of workers not eligible for any check is a church group for adults with learning disabilities where no personal care is undertaken nor any other roles in regulated activity. They do teach those adults but as the group meets twice a month it is not frequent enough to be legally eligible for a check.

Eligibility is different with children - if the worker is not in regulated activity then as long as they are a Trustee of a charity that works with children or the applicant works with children more than occasionally e.g. on a rota or intensively (over-night or 4 or more days in a 30 day period e.g. a holiday club) then they would still be eligible for an enhanced disclosure but without a check of the barred list. Please contact CCPAS if you need further clarification.

Note 2: Definitions:

*Health Care: is defined as health care provided by a health care professional (meaning a person regulated by bodies like General Medical Council; Nursing & Midwifery council for example). Health care means all forms of health care provided for adults for physical or mental health needs and includes palliative care. Psychotherapy and counselling are included when provided by or referred by a health care professional. Services not provided by a health care professional are not covered by Regulated Activity i.e. life coaching; pastoral counselling etc; although if these are performed at least once a week, or four or more days in a 30 day period, or overnight they would be eligible for an enhanced DBS check without a check of the barred list/s.

**Personal Care: is defined as those who provide or prompt an adult with physical assistance with eating; drinking; toileting; washing or bathing; dressing; oral care or care of skin, hair or nails due to the adult's age, illness or disability, these would all be in Regulated Activity (except in circumstances where a hairdresser or a person cuts the hair of an adult).

***'Frequently' for the purpose of Regulated Activity **only** is once a week or more; 'intensively' is four or more days in a 30 day period or overnight.

Note 3: Scenarios of Roles and their eligibility basis:

- A creche worker who physically assists young children with going to the toilet (on one occasion or more) would be in Regulated Activity.
- A Sunday School worker on a rota would only be in a Regulated Activity if they work unsupervised every week or more; or if they are providing personal care to the children e.g. toileting. If this does not apply they would still be eligible for an enhanced DBS check without a check of the barred lists whether or not they are always supervised.
- Purely administrative roles i.e. Church Administrator or treasurer are NOT eligible for a Disclosure (unless they are a Trustee) as they do not work directly with vulnerable groups. Additionally Disclosures cannot be accessed for those who handle sensitive or confidential information (unless they are supervising those working in Regulated Activity).
- A church worker who visits housebound people and on occasions is asked by the homeowner to do some shopping or pay a bill on their behalf is engaging in Regulated Activity.
- A church worker who is part of a group of volunteers that drive church members to their GP surgery or hospital appointments is working in Regulated Activity.
- The volunteers who are part of the rota to bring church members who would otherwise be unable to attend church, are NOT engaging in Regulated Activity as Church services are not covered by the Protection of Freedoms Act - unless they collect Care Home residents, in which case they would be in Regulated Activity.
- A luncheon club/foodbank or street outreach (eg Street Pastors) whose workers just serve food, drinks, or have a friendly chat with those they work with will not be in a Regulated Activity with adults unless they are giving professional counselling/health care or personal care to adults. They will qualify for Regulated Activity with children if they are advising/supervising/caring etc for children frequently or intensively on an unsupervised basis. If they are not in Regulated Activity but they do care for/supervise/give guidance/mentor children or vulnerable adults then they are likely to be eligible for an enhanced DBS check without a check of the barred lists - see note 1 above.
- Prayer teams whose members pray with/for adults and children in a public area/town centre type setting are not in Regulated Activity nor do they qualify for an enhanced DBS check. If however, their job role includes praying with a child/children frequently or intensively in an unsupervised setting, this would be Regulated Activity.