



SAFEGUARDING: REGULATED ACTIVITY - FAQ

Following the recent changes introduced by the Government to the criminal records and barring arrangements system, below are answers to 5 typical questions that groups / organisations might ask in connection with the new definition of regulated activity, and whether staff and volunteers should apply for a barred lists check and/or an enhanced disclosure.

1. Is it regulated activity if a volunteer is taking a young child to the toilet?

Any worker that assists young children with toileting (on one occasion or more) would be in regulated activity and therefore by law **MUST** have a barred lists check. The barred list check in this case would be requested by crossing the 'yes' box on the DBS paper application form (X64) or by confirming on the online form that the applicant works in regulated activity with children.

2. The vast majority of our volunteers don't come under the new definition of regulated activity, i.e. they only work occasionally. Does this mean that they no longer need an enhanced disclosure?

It is best practice that you check your volunteers wherever it is legally possible as this is a requirement of the Charity Commission and (no doubt) your insurance company. Anyone who was previously eligible for an enhanced disclosure still is. If they don't come under the new definition of regulated activity an enhanced disclosure can simply be requested without the barred lists check. (On the DBS paper application form enter 'no' in the boxes in X64 & 65 or on the online form confirm that they do not work in regulated activity.) Even if your volunteers only work occasionally this is regular enough to require an enhanced disclosure.

3. If I select 'no' to both of the boxes on the paper application form (X64 & 65), or on the online form confirm that they are not working in regulated activity, will I still get a proper disclosure back?

Yes. You will still receive an enhanced disclosure certificate. Most bars relate to criminal convictions or relevant soft police information, which will still be shown on the disclosure certificate so you will be able to make an informed recruitment decision.

4. We run a lunch club for vulnerable adults. Our volunteers only serve lunch, drinks and have a friendly chat with those who attend. Some, however, do strike up friendships with some who attend and sometimes visit them at home helping with shopping, bills and other household tasks. Should we be requesting enhanced disclosures and barred lists check for them?

Those volunteers who are simply serving lunch and having a chat with the vulnerable adults would not be in regulated activity. If the volunteers are visiting/helping the club members in

their homes as part of a service offered by your club to help with shopping or bills on one occasion or more then this would fall within the new definition of regulated activity and they MUST have a check of the barred lists via an enhanced disclosure. If, however, they are doing this on a purely personal basis as a result of friendship (even if that friendship was formed via your club) then this is a private arrangement and you cannot check them on this basis.

5. We have drivers who transport vulnerable adults from their care home to our lunch club. Are the drivers in regulated activity?

Any drivers who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care or relevant social work, are in regulated activity. So those transporting to and from care homes would be in regulated activity. This would not apply for those providing transport to or from someone's private home, although the driver would still be eligible for an enhanced disclosure check albeit without a check of the barred list.