

Regulated Activity With Children In England

| Specified activities with children and what you need to consider | | | |
|--|---|--------------------|--|
| Activity | Period condition | Supervision | Age of child |
| Teaching, training or instruction, care or supervision of children | More than 3 days in a 30 day period OR overnight between 2am & 6am with the opportunity for face to face contact with children | Must be considered | Under 18 – but not if the activity is in relation to the child's paid or unpaid employment AND they are 16/17. |
| Moderating a web service wholly or mainly for children | More than 3 days in a 30 day period ONLY | Not required | Under 18 |
| Advice or guidance wholly or mainly to children | More than 3 days in a 30 day period OR overnight between 2am & 6am with the opportunity for face to face contact with children | Not required | Under 18 – but not if the activity is in relation to the child's paid or unpaid employment AND they are 16/17. |
| Driving a vehicle for children | More than 3 days in a 30 day period ONLY | Not required | Under 18 |
| Health care or personal care | Once is enough | Not required | Under 18 |
| Registering to be a foster carer or private foster carer | None | Not required | Under 18 |
| Registering to be a childminder or child care provider, including voluntary registration | None | Not required | In line with regulations |

Specified establishments with children

This section outlines the criteria that need to be met for roles which are not providing teaching, training, instruction, care, supervision or advice in one of the specified establishments listed below. If someone does not meet regulated activity because of what they do, they may meet it because of where they work.

This will be mainly, but not exclusively, for ancillary roles e.g. cleaners, administrative staff etc.

The specified establishments are:

- An educational institution exclusively or mainly for the provision or full time education of children
- A pupil referral unit
- A provider of nursery education
- A detention centre for children
- A children's home or a home provided under the Children Act 1989
- A children's centre
- Relevant childcare premises

Ancillary roles in these specified establishments must meet all four of the following criteria to be in regulated activity with children:

- They work there on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face to face contact with the children and
- They have the opportunity, because of their job, to have contact with the children in the establishment and
- They work there for the purpose of the establishment and
- It is not temporary or occasional work and
- It is not a supervised volunteer role

Supervision – carrying out activities in specified establishments

If the role meets the definition of regulated activity with children because it involves teaching, training or instructing children, or is providing any form of care for or supervision of children in a specified establishment and the period condition is met, then the organisation must consider the Department for Education (DfE) statutory supervision guidance.

If the role is undertaking one of the specified activities in a specified establishment, is voluntary and the organisation decides that the role is sufficiently supervised, then the volunteer is not in regulated activity with children and is eligible for an Enhanced DBS check only.

If that role working within the specified establishment is paid, then the individual will always be in regulated activity with children and eligible for an Enhanced DBS with a children's barred list check. This is regardless of the level of supervision they are under.