REGULATED AND CONTROLLED ACTIVITIES

The following explains the terms regulated and controlled activities as used in the Act and to be implemented when the new Independent Safeguarding Authority is phased in from autumn 2008.

Regulated activities

Regulated activities include:

§ Any activity which involves contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport) … frequently\*, intensively\* and/or overnight.

§ Any activity allowing contact with children or vulnerable adults and is in a specified place (e.g. schools, care homes, etc) … frequently\* or intensively\*.

§ Fostering and childcare.

§ Certain defined positions of responsibility (e.g. school governor, director of social services, trustees of certain charities).

\* Regulated activity applies where the activity is frequent, or satisfies a period condition of taking place on three or more days in a 30-day period (referred to above as “intensively”).

“Frequently” will take its normal common law definition and further guidance about this will be issued.

Duties and responsibilities under regulated activity include:

§ To undertake regulated activity a person must have had an Independent Safeguarding Authority check and have been initially vetted by the scheme.

§ It will be an offence for a barred person to undertake regulated activity for any length of time.

§ An employer taking on a person in a regulated activity will commit a criminal offence if they fail to check the status of an applicant, employee, or volunteer.

* It will also be an offence for employers/providers to permit a barred person, or a person who has not yet had an Independent Safeguarding Authority check, to work for any length of time (no matter how infrequent) in regulated activity.

Duties and responsibilities in domestic employment circumstances (e.g. private tutors and care workers) include:

§ It will be an offence for a barred person to undertake regulated activity in a domestic circumstance.

* It will not be mandatory for domestic employers to check a person, but under the new scheme, domestic employers will have the opportunity to check the barred status of a person (with his/her consent) for the first time.

Controlled Activities

Controlled activities include:

§ Frequent or intensive support work in general health, NHS, FE settings (e.g. cleaner, caretaker, shop worker, catering staff, car park attendant, receptionist).

§ Those working for specified organisations (e.g. a local authority) with frequent access to sensitive records about children and vulnerable adults.

* Support work in adult social care settings (e.g. day centre cleaners, those with access to social care records).

\* Controlled activity applies where the activity is frequent, or satisfies a period condition of taking place on three or more days in a 30-day period (referred to above as “intensive”).

“Frequently” will take its normal common law definition and further guidance about this will be issued.

Duties and responsibilities under controlled activity include:

§ An employer taking on a person in a controlled activity will commit a criminal offence if they fail to check the status of an applicant, employee, or volunteer.

§ Providing sufficient safeguards are put in place, the provider can permit a barred person to work in controlled activity.

In summary:

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| --- | --- | --- | --- |
|  | Duty on individual  Bar applies | Duty on employers  Individual must be checked | Duty on employers  Authority to engage a barred person |
| Regulated Activities  Employment and volunteer settings | Yes | Yes | No |
| Regulated Activities  Domestic employment settings | Yes | No | No |
| Controlled Activities  Employers | No | Yes | Yes  With safeguards |