

Regulated and controlled activities

The Safeguarding Vulnerable Groups Act 2006 contains the legislation to create the new Independent Safeguarding Authority (ISA) and enact the Vetting and Barring Scheme. This factsheet explains the terms 'regulated' and 'controlled' activities used in the Act that will be introduced when the new ISA is phased in.

What is a 'regulated activity'?

- Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation.)
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively. (Such places include schools and care homes.)
- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility. (Such positions include school governor, director of social services and trustee of certain charities.)

'Regulated activity' is when the activity is frequent (once a month or more) or 'intensive' (takes place on three or more days in a 30-day period).

How does 'regulated activity' work?

- Anyone providing a regulated activity must be registered with the ISA.
- It will be a criminal offence, punishable by up to five years in prison, for a barred individual to take part in a regulated activity for any length of time.
- It will be a criminal offence for an employer to take on an individual in regulated activity if they fail to check that person's status.
- It will be a criminal offence for an employer to allow a barred individual, or an individual who is not yet registered with the ISA, to work for any length of time in any regulated activity.

What does this mean for domestic employees, e.g. private tutors and care workers?

- It will be an offence for a barred individual to take part in any regulated activity in domestic circumstances.
- Domestic employers do not have to check an individual they wish to employ – such as a home tutor, nanny or carer – but the new scheme will give them the opportunity to check



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the status of an individual (with his/her consent) if they wish to do so.

(Such jobs include day centre cleaners and those with access to social care records.)

What is a ‘controlled activity’?

- Frequent or intensive support work in general health settings, the NHS and further education. (Such work includes cleaners, caretakers, shop workers, catering staff, car park attendants and receptionists.)
- Individuals working for specified organisations (e.g. a local authority) who have frequent access to sensitive records about children and vulnerable adults.
- Support work in adult social care settings.

‘Controlled activity’ is when this type of activity is ‘frequent’ (once a month or more) or ‘intensive’ (takes place on three or more days in a 30-day period).

How does ‘controlled activity’ work?

- It will be a criminal offence for an employer to take on an individual in a controlled activity if they fail to check that individual’s status.
- An employer can permit a barred individual to work in a controlled activity **only if sufficient safeguards are put in place.**

	Bar applies (Duty on individual)	Individual must be checked (Duty on employers)	Barred individual can be employed
Regulated activities Employment and volunteer settings	✓	✓	✗
Regulated activities Domestic employment settings	✓	✗	✗
Controlled activities Employers	✗	✓	✓ With safeguards

In this factsheet the term ‘employers’ refers to both employers and managers of volunteers. The term ‘employees’ refers to both paid and unpaid (volunteer) work/activities.

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