

What Does Working With Children Mean?

'Work with Children' is a term used by the Disclosure and Barring Service to give a single definition of Work with Children for the purposes of eligibility for Enhanced criminal records checks. The definition includes, but is not limited to, Regulated Activity. The term has been adopted by the DBS from 2014 to give a single definition of roles which will be subject to an Enhanced check, which were previously dealt with under various provisions. The term does not alter the relevant activities, it merely clarifies the situation.

The following are included in the definition of Work with Children:

- **Regulated Activity** relating to children (including work which is, by its nature, Regulated Activity, but which is not done frequently enough to be classified as Regulated Activity, i.e. carried out by the same person once a week or more often, or on 4 or more days in a 30-day period);
- Work which would have been Regulated Activity with children before the introduction of the Protection of Freedoms Act 2012 (i.e. the original, wider definition of Regulated Activity, before this was narrowed under the scaled back Revised Vetting and Barring Scheme). (This includes work which is, by its nature, Regulated Activity, but which is not done frequently enough to be classified as Regulated Activity, i.e. carried out by the same person once a week or more often, or on 4 or more days in a 30-day period). This includes, in addition to current 'Regulated Activities':
 - Any supervised teaching, training or instruction of children or the provision of any care or supervision of children by a person who is being supervised by another;
 - The provision of any legal advice to a child;
 - Any paid work that is carried out in a specified place (such as schools, children's homes, children's hospitals) which gives the worker the opportunity to have contact with children, even if on an occasional or temporary basis;
 - Any work undertaken by a volunteer in such a specified place, even where the work is supervised;
 - The work of officials of the Children and Family Courts Advisory and Support Service (CAFCASS) and their Welsh equivalents and the work of office-holders in various governance-related or senior management roles, for example a school governor, a local authority director of children's services, and the Children's Commissioner for England;
 - The work of inspectorates in England, for example inspectors of schools, children's homes and childminding in England;
 - Inspection work by the Care Quality Commission;
 - The day-to-day management or supervision, on a regular basis, of any type of work referred to above.
- Registration as a childminder agency or managing a childminder agency;
- Prospective childminders or childcare providers;
- Anyone over the age of 16 who lives or works in the premises where the childminding or childcare takes place and has the opportunity to have contact with the children;
- Working for a childminder agency in a quality assurance role where the duties involve entering childcare premises and provide an opportunity to have contact with children while on the premises or to have access to sensitive or personal information about the children for whom the childcare is provided;

- Prospective foster carers;
- Anyone aged 18 and over who lives in the household of prospective foster carers;
- Prospective private foster carers;
- Anyone aged 16 and over who lives in the household of prospective private foster carers;
- Prospective adoptive parents;
- Anyone aged 18 and over who lives in the household of prospective adoptive parents;
- Prospective special guardians;
- Anyone aged 18 and over who lives in the household of prospective special guardians;
- Persons applying for registration to manage any type of agency or accommodation relating to the welfare of children under Part II of the Care Standards Act 2000;
- Persons who work in a Further Education College or 16-19 Academy where the work they do brings them into regular contact with students aged under 18. 'Regularly' in these circumstances should be applied by each organisation as appropriate;
- Anyone aged over 16 who lives in a household which is on the premises of an educational institution, or on premises where Regulated Activity takes place and where another person in the household is being assessed to work with children. (This includes those types of work which would have been Regulated Activity with children before the introduction of the Protection of Freedoms Act 2012 – see above);
- Applications relating to registration as a social care worker.

The definition of working with children or **Adults at Risk** is based on the concept of Regulated Activity. Regulated Activity is work which involves close and unsupervised contact with vulnerable groups including children and which cannot be undertaken by a person who is on the **Disclosure and Barring Service's** Barred List.

The concept was introduced by the Safeguarding Vulnerable Groups Act 2006 as part of the Vetting and Barring Scheme. Following a Government review, which resulted in a scaled-back Vetting and Barring Scheme (as set out in the Protection of Freedoms Act 2012), the definition of Regulated Activity has been narrowed so as to reduce the type and number of activities falling within it. It is now designed to cover those activities which provide the highest levels of risk arising from the nature of the post and access to vulnerable people.

From 10 September 2012, the new definition of regulated activity relating to children comprises only:

- i. Unsupervised activities: teaching, training, instructing, caring for or supervising children, or providing advice/guidance on well-being, or driving a vehicle only for children;
- ii. Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers.

Work under (i) or (ii) is Regulated Activity only if done regularly;

- iii. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- iv. Registered child-minding; and foster-carers.