



# Disclosure & Barring Service

## A GUIDE TO CHILD WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS

This will help you identify whether the position you are recruiting for falls into the child workforce and where you can legally request access to a check of the children's barred list. These are roles which relate specifically to working with children.

It is important to make sure that the law allows a DBS application to be submitted. As an employer or regulator, but also as a registered body, you have a legal responsibility for making sure you can submit applications and must know the legislation that supports each application in case we need further clarification. An individual cannot request a standard or enhanced level DBS check for themselves and so as a registered body you must not submit applications from individuals where there is no employer to make the suitability decision.

**Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.**

Standard and enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.

Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make based on what the law allows. It is not discretionary as such, but a matter of considering the nature of the activities undertaken and if they are eligible for DBS checks. DBS provides an electronic [eligibility tool](#) which can help you with this. The [Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013/1194](#) (the legislative definition of work with children) and the [Department for Education \(DfE\) factual note](#) on regulated activity with children will also help.

When you request a DBS certificate to assess someone to carry out regulated activity with children this means that you are a regulated activity provider (RAP). This brings obligations under the Safeguarding Vulnerable Groups Act 2006.

As a RAP, you have a legal duty to refer an individual to DBS when you believe a person has caused harm or poses a future risk of harm to vulnerable groups, including children. You must also provide information to DBS when we ask you to and may be fined unless you have a reasonable excuse for not providing the information. The conditions you must consider before making a referral or providing information to us can be found on the [DBS website](#).

An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

### **STANDARD level DBS certificate**

Paper applications for standard DBS certificates **must** contain a workforce.

#### **Individuals whose role involves work relating to children which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

Please see the Standards Eligibility Guide for more information on this.

### **ENHANCED level DBS certificate ONLY**

Paper applications for enhanced DBS certificates **must** contain a workforce.

#### **Individuals who carry out work which would have been regulated activity with children before changes were made to the definition in September 2012**

- [Legislative Wording 1](#)

#### **Individuals who carry out regulated activity with children where the work is done infrequently (but more than once). This also applies to roles that involve work which would have been regulated activity with children before changes were made to the definition in September 2012**

- [Legislative Wording 2](#)

#### **Individuals applying as part of registration as a childminder agency, managing a childminder agency or working for a childminder agency in a quality assurance role visiting day care or childminding premises.**

- [Legislative Wording 3](#)

#### **Individuals applying to register as a social care worker – this is a registration requirement only and does not relate to activities covered by the definition of regulated activity with children**

- [Legislative Wording 4](#)

#### **Individuals applying to 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**

\* regular should be applied by each organisation in line with the dictionary definition

- [Legislative Wording 5](#)

#### **Individuals who are aged over 16 and living in a household where another person in the household has been or is being assessed to:**

- carry out work which would have been regulated activity with children before changes were made to the definition in September 2012; or
- work in a Further Education college or 16-19 Academy

and they both live on the premises where that work will take place

- [Legislative Wording 6](#)

Individuals applying as part of registration to manage any type of agency or accommodation relating to the welfare of children

- [Legislative Wording 7](#)

### **ENHANCED level DBS certificate with access to the DBS CHILDREN'S BARRED LIST – REGULATED ACTIVITY**

Applications for enhanced DBS certificates in the child workforce **including a check of the children's barred list** can be in regulated activity with children. The [Department for Education \(DfE\) factual note](#) will provide help in identifying whether a role falls into the definition of regulated activity with children.

Paper applications for enhanced DBS certificates with a children's barred list check **must** contain a workforce.

Individuals who carry out regulated activity with children as defined below

- [Legislative Wording 8](#)

1. Individuals who provide teaching, training or instruction to children 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, except where:

- the recruiting organisation decides the individual is sufficiently supervised in line with DfE statutory guidance and they are not a paid member of staff in a specified establishment; or
- this is provided and designed for adults so the presence of a child is unexpected, i.e. an adult attends a night class and brings their child with them; or
- these activities are being provided to 16 and 17 year olds in work (including voluntary work)

- [Legislative Wording 9](#)

2. Individuals who provide care for or supervision of children 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, except where:

- the recruiting organisation decides the individual is sufficiently supervised in line with DfE statutory guidance and they are not a paid member of staff in a specified establishment; or
- this is provided and designed for adults so the presence of a child is unexpected; or
- these activities are being provided to 16 and 17 year olds in work (including voluntary work)

- [Legislative Wording 10](#)
3. Individuals who provide advice or guidance wholly or mainly to children and this specifically relates to their emotional, educational or physical well-being 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, except where:
- these activities are being provided to 16 and 17 year olds in work (including voluntary work)
- [Legislative Wording 11](#)
4. Individuals who monitor the content of internet-based services aimed wholly or mainly for use by children on more than 3 days in a 30 day period. They must also:
- be able to access and remove content or prevent it from being published
  - control who uses the service
  - have contact with the children using the service
- [Legislative Wording 12](#)
5. Individuals who are provided by a third party to drive children and any adult supervising or caring for them on more than 3 days in a 30 day period.
- [Legislative Wording 13](#)
6. Individuals who provide health care to children, either as a health care professional or under the direction or supervision of a health care professional. This includes providing psychotherapy and counselling and also covers first aiders where they provide this through an organisation set up specifically for the purposes of providing first aid, e.g. St John's Ambulance and community first responders. This only has to be done once.
- [Legislative Wording 14](#)
7. Individuals who provide personal care to children which involves:
- physically assisting a child, prompting and then supervising a child or training, instructing or providing advice or guidance to a child on eating or drinking and this is done because of their illness or disability
  - physically assisting a child, prompting and then supervising a child or training, instructing or providing advice or guidance to a child with going to the toilet, washing, bathing or dressing and this is done because of their age, illness or disability
- This only needs to be done once
- [Legislative Wording 15](#)
8. Individuals working in any of the places listed in the Safeguarding Vulnerable Groups Act 2006 as specified establishments who:
- 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
  - have the opportunity, because of their job, to have contact with the children in the establishment; and

- work there for the purpose of the establishment; and
- are not temporary or occasional workers; and
- are not a supervised volunteer

These are individuals who are not providing teaching, training, instruction, care, supervision or advice and will mainly be carrying out ancillary functions, e.g. cleaners, catering, admin staff etc.

- [Legislative Wording 16](#)

**9. Individuals listed in the Safeguarding Vulnerable Groups Act 2006 as specified positions in Wales carrying out the functions of:**

- the Children’s Commissioner for Wales
- the Deputy Children’s Commissioner for Wales

- [Legislative Wording 17](#)

**10. Individuals listed in the Safeguarding Vulnerable Groups Act 2006 as specified positions in Wales where they also have the opportunity for contact with the children because of what they’re doing and are carrying out:**

- functions of the Welsh Ministers to inspect registered establishments or agencies, an NHS body or anyone providing healthcare for the body
- functions relating to the inspection of childminding, or fostering agency, residential family centre, voluntary adoption agency, adoption support agency
- functions relating to the welfare of children in boarding schools
- functions relating to inspections of teacher training, local education authorities, registered independent school, boarding schools and colleges
- functions relating to a review or investigation of the functions of children’s services authorities
- functions relating to the inspection of careers services
- functions relating to the inspection of religious education
- functions relating to the inspection of the discharge of social services functions by local authorities

- [Legislative Wording 18](#)

**Individuals applying to register as prospective childminders or childcare providers**

- [Legislative Wording 19](#)

**Individuals who undertake the regular day to day management or supervision of individuals carrying out regulated activity with children or who would have been carrying out regulated activity with children except that they are supervised in line with the Dept for Education (DfE) statutory supervision guidance.**

- [Legislative Wording 20](#)

**Individuals applying to be:**

- a foster carer
- a private foster carer
- [Legislative Wording 21](#)

**ENHANCED level DBS certificate with access to the DBS CHILDREN'S BARRED LIST – NOT REGULATED ACTIVITY**

Applications for enhanced DBS certificates in the child workforce **including a check of the children's barred list** which are not in regulated activity with children.

Paper applications for enhanced DBS certificates with a children's barred list check **must** contain a workforce.

**Individuals who are aged over 16 and living in a household where another person in the household has been or is being assessed to carry out regulated activity with children and they both live on the premises where that work will take place**

- [Legislative Wording 22](#)

**Individuals aged 16 and over who live or work in the premises where the childminding or childcare takes place and has the opportunity for regular contact with the children**

- [Legislative Wording 23](#)

**Individuals aged 18 and over (according to Dept for Education regulations) who live in a fostering household or anyone aged 16 and over who lives in a private fostering household**

- [Legislative Wording 24](#)

**Individuals applying to be adoptive parents or special guardians and anyone aged 18 and over who lives in the adoptive or special guardian household**

- [Legislative Wording 25](#)

## Appendix

See below wording from legislation as per guidance above

### Legislative Wording 1:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012

### Legislative Wording 2:

Wording below taken from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Work done infrequently which, if done frequently, would be regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012

### Legislative Wording 3:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2014/2122

- Registration as a childminder agency under Chapter 2A or 3A of Part 3 of the Childcare Act 2006
- Considering the applicant's suitability to manage a childminder agency
- Considering the applicant's suitability to work for a childminder agency in any capacity which requires the applicant to enter childcare premises and enables that person, in the normal course of duties, to have contact with children for whom childcare is provided or access to sensitive or personal information about children for whom childcare is provided.

### Legislative Wording 4:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Registration under Part IV of the Care Standards Act 2000 (social care workers)

### Legislative Wording 5:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Considering the applicant's suitability for work in a further education institution (within the meaning of section 140 of the Education Act 2002) or a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with persons aged under 18

**Legislative Wording 6:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of –
  - (i) engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012
  - (ii) working in a further education institution (within the meaning of section 140 of the Education Act 2002) where the normal duties of that work involve regular contact with children
  - (iii) working in a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with children

where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place

**Legislative Wording 7:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Registration under Part II of the Care Standards Act 2000 (establishments and agencies)

**Legislative Wording 8:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Considering the applicant's suitability to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as amended by section 64 of the Protection of Freedoms Act 2012.

Regulated activity is work that a barred person must not do.

Regulated activity with children does not include any activity carried out in the course of family relationships, or personal, non-commercial relationships.



### **Legislative Wording 9:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (2)(1)(a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children
- (2)(2) sub-paragraph (1)(a) does not include teaching, training or instruction provided to a child in the course of his employment
- (2)(3) subparagraph (2) does not apply if –
  - a) the child has not attained the age of 16, and
  - b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- (2)(3A) sub-paragraph (1) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children
- (2)(3C) the reference in sub-section (3A) to day to day supervision references such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned
- (2)(6) in sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so

### **Legislative Wording 10:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (2)(1)(b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children
- (2)(2) sub-paragraph (1)(b) does not include care for or supervision of a child in the course of his employment
- (2)(3) subparagraph (2) does not apply if –
  - a) the child has not attained the age of 16, and
  - b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose
- (2)(3B) sub-paragraph (1)(b) –
  - a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional
  - b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity
- (2)(3C) the reference in sub-section (3B)(b) to day to day supervision references such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned

- (2)(6) in sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so

### **Legislative Wording 11:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (2)(1)(c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to the physical, emotional or educational well-being
- (2)(2) sub-paragraph (1)(c) does not include advice or guidance provided for a child in the course of his employment
- (2)(3) sub-paragraph (2) does not apply if–
  - c) the child has not attained the age of 16, and
  - d) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- (2)(3D) sub-paragraph (1)(c) does not include any legal advice

(2)(6) in sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so

### **Legislative Wording 12:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 2

- (1)(e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
- (4) for the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to –
  - a) monitoring the content of matter which forms any part of the service,
  - b) removing matter from, or preventing the addition of matter to, the service, or
  - c) controlling access to, or use of, the service.
- (5) but a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has –
  - a) access to the content of the matter
  - b) contact with users of the service

**Legislative Wording 13:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 2

- (1)(f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.

**Legislative Wording 14:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 1

- (1A)(b) health care provided by, or under the direction or supervision of, a health care professional.
- (1C) “health care” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,  
  
“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (1D) any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.

**Legislative Wording 15:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 1

- (1)(a) relevant personal care
- 1B) “relevant personal care” means –
  - a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parental nutrition)
  - b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with –
    - (i) toileting (including in relation to menstruation), or
    - (ii) washing or bathing, or
    - (iii) dressing
  - c) the prompting (together with the supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
  - d) the prompting (together with the supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the

performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

- e) any form of training, instruction, advice or guidance which –
  - (i) relates to the performance of the activity of eating or drinking,
  - (ii) is given to a child who is in need of it by reason of illness or disability, and
  - (iii) does not fall within paragraph (c), or
- f) any form of training, instruction, advice or guidance which –
  - (i) of any of the activities listed in paragraph (b)(i) to (iii),
  - (ii) is given to a child, who is in need of it by reason of age, illness or disability, and
  - (iii) does not fall within paragraph (d)

### **Legislative Wording 16:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (3)(1) the establishments referred to are –
  - a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
  - aa) a school falling within section 19(2) or (2B) of the Education Act 1996 (pupil referral units etc) which does not fall within sub-paragraph (1)(a);
  - ab) an alternative provision Academy which does not fall within paragraph (a);
  - b) an establishment which is exclusively or mainly for the provision of nursery education (within the meaning of section 117 of the School Standards and Framework Act 1998
  - c) A hospital which is exclusively or mainly for the reception and treatment of children **in Wales only**
  - d) an institution which is exclusively or mainly for the detention of children;
  - e) a children's home (within the meaning of section 1 of the Care Standards Act 2000 (c.14));
  - f) a home provided in pursuance of arrangements under section 82(5) of the Children Act 1989 (c. 41);
  - fa) a children's centre (within the meaning of section 5A(4) of the Childcare Act 2006);
  - g) relevant childcare premises.
- (3)(2) relevant childcare premises are any part of premises on which a person carries on–
  - a) any form of childcare (within the meaning of section 18 of the Childcare Act 2006 (c. 21) in respect of which he must be registered under that Act;

- b) any form of such childcare in respect of which he may be registered under that Act whether or not he is so registered;
  - c) any form of child minding or day care (within the meaning of section 79A of the Children Act 1989 (c. 41) or section 19 of the Children and Families (Wales) Measure 2010) in respect of which he must be registered under that Act.
- (3)(3) but premises on which a person carries on childcare or child minding are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the childcare or child minding is provided.
  - (3)(4) for the purpose of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.
  - (3)(5) “parental responsibility” has the same meaning as in the Children Act 1989.

**Legislative Wording 17:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (1)(9) the exercise of a function of the Children's Commissioner for Wales or the deputy Children's Commissioner for Wales is a regulated activity relating to children.

**Legislative Wording 18:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (1)(9A) the exercise of a function so far as the function –
  - a) relates to any of the matters mentioned in sub-paragraph (9B),
  - b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children, and
  - c) is not a function which falls within sub-paragraph (9C)
 is a regulated activity relating to children
- (1)(9B) the matters in this sub-paragraph are –
  - b) the exercise of a power under section 41 or 42 of the Children and Families (Wales) Measure 2010 (powers of inspection etc on entry onto childminding or day care premises in Wales or premises on which childminding or day care is suspected to be taking place);
  - c) any step taken in relation to Wales for the purposes of section 87(3) of the Children Act 1989 (welfare of children in boarding schools and colleges);
  - d) an inspection in Wales under section 87(6) of that Act (inspection of boarding school or college);
  - e) any step taken in relation to Wales by a person appointed under section 87A(1) of that Act (appointment as an inspector of boarding schools and colleges) –
    - (i) for the purposes of an agreement made in accordance with section 87A(2) of that Act, or
    - (ii) in order to comply with any requirement imposed on the person under section 87B of that Act ;

- f) an inspection under section 18C of the Education Act 1994 (inspection of teacher training);
  - g) an inspection under section 38 of the Education Act 1997 (inspection of local education authorities in Wales);
  - h) an inspection in Wales under section 31 of the Care Standards Act 2000 (inspections of establishments and agencies or the inspection of premises suspected as being used as an establishment or agency) of a residential family centre, a fostering agency, a voluntary adoption agency or an adoption support agency (each of which has the meaning given in section 4 of that Act);
  - i) an inspection under Part 4 of the Learning and Skills Act 2000 (inspection of education and training within the remit of Her Majesty's Chief Inspector of Education and Training in Wales);
  - j) a review or investigation under section 94 of the Health and Social Care (Community Health and Standards) Act 2003 (review or investigation of the discharge of social services functions by local authorities in Wales);
  - k) a review or investigation under section 94 of that Act as applied by section 30 of the Children Act 2004 (review or investigation of the functions of children's services authorities in Wales);
  - l) an inspection under section 28 of the Education Act 2005 (duty of Her Majesty's Chief Inspector of Education and Training in Wales to arrange regular inspections of certain schools);
  - m) an inspection under section 50 of that Act (inspection of religious education);
  - n) an inspection in Wales under section 51 of that Act (power of local education authorities to inspect maintained school for specific purpose);
  - o) an inspection under section 55 of that Act (inspection of careers services in Wales)
- (1)(9C) the exercise of a function to which sub-paragraph (10) applies so far as the function –
    - a) relates to the inspection of an establishment mentioned in paragraph 3(1) , and
    - b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,
 is a regulated activity relating to children.
  - (1)(10) this sub-paragraph applies to a function of –
    - b) HM Chief Inspector of Education and Training in Wales;
    - c) (a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c.32) to inspect a registered independent school in Wales
    - g) the Welsh Ministers.
  - (1)(11) the exercise of a function of the Welsh Ministers so far as the function -
    - a) relates to the inspection of an establishment, agency or body falling within sub-paragraph (12), and
    - b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the

exercise of that function, to have contact with children,  
is a regulated activity relating to children.

- (1)(12) an establishment, agency or body falls within this sub-paragraph if it is –
  - a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),
  - b) an agency in relation to which such a requirement arises, or
  - c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),and it provides any form of treatment or therapy for children.
- (1)(13) in sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

### **Legislative Wording 19:**

- Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669 Registration for child minding or providing day care under Part 2 of the Children and Families (Wales) Measure 2010
- Registration under Chapters 2, 3 or 4 of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England)

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (1)(3) each of the following, if carried out in England, is a regulated activity relating to children –
  - a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);
  - b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);
  - c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);
  - d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.
- (1)(4) any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.
- (1)(6) each of the following, if carried out in Wales, is a regulated activity relating to children – (a) acting as a child minder so as to give rise to a requirement to register under section 21 of the Children and Families (Wales) Measure 2010; (b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight (or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010).
- (1)(7) for the purposes of sub-paragraph (6), “*acting as a child minder*” must be construed in accordance with section 19 of the Children

**Legislative Wording 20:**

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (1)(14) any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), (9A), (9C) or (11) is a regulated activity relating to children
- (1)(15) any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph(2B)(b) above is a regulated activity relating to children

**Legislation Wording 21:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the exercise of any duty under or by virtue of section 67 of that Act (welfare of privately fostered children)

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4

- (1)(5) It is a regulated activity relating to children to foster a child (as mentioned in section 53)

**Legislative Wording 22:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place

**Legislative Wording 23:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- assessing the suitability of any person to have regular contact with a child who is –
  - (i) aged 16 or over and living on the premises at which the child minding or day care is being or is to be provided;
  - (ii) aged 16 or over and working, or who will be working, on the premises at which the child minding or day care is being or is to be provided at times when such child minding or day care is being or is to be provided



**Legislative Wording 24:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- obtaining information in respect of any person who is –
  - (i) aged 18 or over and living in the same household as a person who is, or who wishes to be approved as, a foster parent within the meaning of section 53(7)(a) or (b) of the Safeguarding Vulnerable Groups Act 2006;
  - (ii) aged 16 or over and living in the same household as a person who fosters, or intends to foster, a child privately within the meaning of section 66(1) of the Children Act 1989 or who is otherwise a private foster parent within the meaning of section 53(7) (c) and (8) of the Safeguarding Vulnerable Groups Act 2006

**Legislative Wording 25:**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- A decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or the compiling of a report for the authority making a decision in respect of an application to be an application to be a special guardian within the meaning of section 14A of the Children Act 1989, as to a person's suitability to adopt a child or be a special guardian, including obtaining information in respect of any person aged 18 years or over living in the same household as the prospective adopter or special guardian