

Regulated and Controlled Activities

The Safeguarding Vulnerable Groups Act 2006 contains the legislation to create the new Independent Safeguarding Authority (ISA) and enact its wider scheme. The ISA will extend to England, Wales and Northern Ireland. The Safeguarding Vulnerable Groups (NI) Order 2007 mirrors those provisions of the Safeguarding Vulnerable Groups Act 2006 which do not extend to Northern Ireland. This factsheet explains the terms ‘regulated’ and ‘controlled’ activities referred to in the Order that will be introduced when the new scheme is phased in.

What is ‘regulated activity’?

- Any activity of a specified nature that involves contact with children or vulnerable adults frequently [see below], intensively [see below] 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 carried out either frequently or intensively. (Such places include schools and residential care homes.)
- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility. (Such positions include a school governor, director of social services and trustee of certain charities.)

What does ‘frequently’ mean?

- Frequently means once or more per month and will cover activity that takes place on a repetitive basis.

What does ‘intensively’ mean?

- Intensively means on three or more days in a 30 day period and will cover extended periods of contact with either children or vulnerable adults.

How does ‘regulated activity’ work?

- Anyone providing a regulated activity must be registered with the ISA.

- It will be a criminal offence for a barred individual to take part in a regulated activity punishable by up to five years in prison, a fine or both,
- It will be a criminal offence for an employer to take on an individual in regulated activity without checking the individual’s status with the ISA.
- It will be a criminal offence for an employer to allow a barred individual, or an individual who has not yet registered with the ISA to work 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 enable them to check the status of an individual (with his/her consent) if they wish to do so.

What is ‘controlled activity’?

- Frequent or intensive support work in the health and further education sectors. (Such work includes cleaners, caretakers, shop workers, catering staff and receptionists).
- Individuals working for specified organisations (e.g. a HSS Trust or an Education and Library Board) who have frequent access to health, educational or personal social service records about children and vulnerable adults.

- Support work in adult health and social care settings (Such work includes day centre cleaners/cooks who have contact with vulnerable adults and those with access to health or personal social services records).
- ‘Controlled activity’ must be carried out on either a ‘frequent’ [see above] or ‘intensive’ [see above] basis.

How does ‘controlled activity’ work?

The rules governing controlled activity will be set out in regulations. It proposed that:

- It will be a criminal offence for an employer to take on an individual in controlled activity without checking that individual’s status.
- An employer will be able to employ a barred individual in controlled activity but only if sufficient safeguards are put in place.

	Requirement to Register with ISA (Duty on employee)	Requirement to check if individual is ISA registered (Duty on employers)	Barred individual can be employed
Regulated activities Employment and volunteer settings	✓	✓	×
Regulated Activities Domestic employment settings	✓	×	×
Controlled Activities Employers	×	✓	✓ With safeguards

What is meant by the term employer?

The term ‘**employer**’ as used in this fact sheet refers to both employers and managers of volunteers.

What is meant by the term by employee?

The term ‘**employee**’ as used in this fact sheet refers to both paid and unpaid (volunteer) work/activities.