

## **Regulated Activity and Enhanced checks**

- What is regulated activity?
- What positions are considered to be working in regulated activity?
- Supervision of those engaged in regulated activity with children
- Enhanced checks where a person is not working in regulated activity.

### **What is Regulated Activity?**

Regulated activity is something that a person working in Northern Ireland must not do if the Disclosure and Barring Service (DBS) has “barred” them from working with children and adults. It is an offence for a barred person to do such work or to apply to do such work. There are currently (January 2017), 63,000 individuals across England, Wales and Northern Ireland on the DBS barred lists.

Where an individual is working in regulated activity with children or adults, they are entitled to apply for an AccessNI enhanced check, together with a check of the “barred” lists held by the Disclosure and Barring Service and the Scottish government. The application must be countersigned by an organisation that is registered with AccessNI.

### **What positions are considered to be working in regulated activity?**

In 2012, the scope of regulated activity was re-defined through the Protection of Freedoms Act 2012 to focus on those working most closely with children and adults. The definitions of regulated activity in respect of children and adults can be found at the links below.

<https://www.health-ni.gov.uk/publications/regulated-activity-relation-children>

<https://www.health-ni.gov.uk/publications/regulated-activity-relation-adults>

An enhanced check, together with a barred list check can only be obtained where the person is engaged in regulated activity.

### **Supervision of those engaged in regulated activity with children**

In respect of regulated activity with children, the level of supervision provided is a determining factor as to whether someone is working in regulated activity. The link below provides statutory guidance on activity which when unsupervised, is regulated activity.

<https://www.health-ni.gov.uk/publications/regulated-activity-children-supervision-activity-children-which-regulated-activity-when>

### **Enhanced checks where a person is not working in regulated activity**

It may be possible to apply for and countersign an application for an enhanced check for someone whose is not working in regulated activity, though you cannot ask for a check of the barred lists. Positions that fall within this category include;

- working in the health or further education sector with access to personal records on children or adults;
- applications or renewals for taxi licences;
- where a domestic controlled drug licence issued by the Department of Health is required; or
- Anyone working in the pre-2012 definitions of regulated activity but not within the current definitions (this mainly applies to working with adults).

Please see the link below to the **old definition of Regulated activity**. If applicants are in the old definition you are entitled to request an Enhanced disclosure without a barred list check but not required to.

<https://www.justice-ni.gov.uk/publications/vetting-and-barring-scheme>

If your volunteers are not carrying out current Regulated Activity or Old Regulated activity you have no entitlement to an Enhanced Disclosure.