



Disclosure &
Barring Service

Guidance

Regulated activity with children in England and Wales

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This publication is available at <https://www.gov.uk/government/publications/dbs-guidance-leaflets/regulated-activity-with-children>

Please note: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal adviser.

1. Introduction

This leaflet explains what is included in the legal definition of ‘regulated activity with children’, describing the specific activities, establishments, and positions that are eligible for an Enhanced DBS check with a Children’s Barred List check in the child workforce. This guidance applies whether the individuals are paid or unpaid.

If your organisation employs people who do not meet all the conditions outlined in this leaflet, they may be eligible for a different level of check. You will need to refer to our online [eligibility tool and guidance](https://www.gov.uk/government/collections/dbs-eligibility-guidance) (<https://www.gov.uk/government/collections/dbs-eligibility-guidance>) to check this out. If your organisation employs people in different roles who perform similar duties to those in this leaflet, you should refer to our online guidance as they may be eligible for the same level of check.

Any changes to a role, or the activities that a person carries out, can affect the level of check that is applicable. More information can be found in our eligibility guidance on our [website](https://www.gov.uk/government/collections/dbs-eligibility-guidance). (<https://www.gov.uk/government/collections/dbs-eligibility-guidance>.)

This guidance applies to criminal record checks (DBS checks) in England, Wales, the Channel Islands, and the Isle of Man. Information on checks available in Scotland can be obtained from [Disclosure Scotland](https://www.mygov.scot/organisations/disclosure-scotland/) (<https://www.mygov.scot/organisations/disclosure-scotland/>). Information on checks available in Northern Ireland can be obtained from [Access NI](https://www.nidirect.gov.uk/campaigns/accessni-criminal-record-checks) (<https://www.nidirect.gov.uk/campaigns/accessni-criminal-record-checks>).

2. What is regulated activity?

Regulated activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA), which has been amended by the Protection of Freedoms Act 2012 (PoFA). It excludes any activities carried out in the course of family relationships or as part of any personal, non-commercial relationships.

A child is any person who has not yet reached the age of 18 years. However, if an activity relates solely to their employment, for example, induction training when starting work or supervising them at work, and they

are 16 or 17, then the trainer or supervisor would not be in regulated activity.

If you are employing or assessing someone to do work that is regulated activity with children, you could request an Enhanced DBS check, with a check of the Children's Barred List.

When you request a DBS check to assess someone to carry out regulated activity with children this means that you are a regulated activity provider (RAP).

As a RAP, you have a legal duty to refer an individual to DBS where the relevant conditions are met.

For information about referrals you can:

- access our [barring referrals leaflet \(https://www.gov.uk/guidance/barring-referrals\)](https://www.gov.uk/guidance/barring-referrals)
- access our [barring referrals flowchart \(https://www.gov.uk/government/publications/dbs-referrals-referral-chart\)](https://www.gov.uk/government/publications/dbs-referrals-referral-chart)
- call us on 03000 200 190

Regulated activity with children is made up of either:

- what activity a person does as part of their job and how often they do it
- where the work takes place and how often the person will work there
- working in specified positions (in Wales only)

In some circumstances, supervision of the role must also be considered.

More information regarding what constitutes regulated activity with children can be found in the below table.

2.1 Specified activities with children and what you need to consider:

Activity	Period condition	Supervision	Age of child
Teaching, training, or instruction, care for, or supervision of children	On more than 3 days in a 30-day period, or once overnight between 2am and	Department for Education statutory guidance must be considered	Under 18 – but not if the activity is in relation to the child's paid or unpaid

Activity	Period condition	Supervision	Age of child
	6am with the opportunity for face- to-face contact with children		employment and they are 16 or 17 years old
Advice or guidance provided wholly or mainly to children about their educational, emotional, or physical wellbeing	On more than 3 days in a 30-day period, or once overnight between 2am and 6am with the opportunity for face-to-face contact with children	Not required	Under 18 – but not if the activity is in relation to the child’s paid or unpaid employment and they are 16 or 17 years old
Moderating a web service wholly or mainly for children	On more than 3 days in a 30-day period	Not required	Under 18
Driving a vehicle for children	On more than 3 days in a 30-day period	Not required	Under 18
Healthcare or personal care	No requirement - once is enough	Not required	Under 18
Registering to be a foster carer or private foster carer	No requirement	Not required	Under 18
Registering to be a childminder or childcare provider, including voluntary registration	No requirement	Not required	In line with regulations

Activity	Period condition	Supervision	Age of child
Day-to-day management of someone in regulated activity with children	No requirement	Not required	Under 18

3. Specified establishments with children

People working in these specified establishments will be carrying out regulated activity with children if they meet all 5 of the following criteria:

- They work in the establishments on more than 3 days in a 30-day period, or once overnight between 2am and 6am with the opportunity for face-to-face contact with the children
- They have the opportunity, because of their job, to have contact with the children in the establishment
- They work there for the purpose of the establishment
- It is not temporary or occasional work
- It is not a supervised volunteer role

The specified establishments are:

- an educational institution exclusively or mainly for the provision or full-time education of children
- a pupil referral unit
- an alternative provision Academy (England only)
- a provider of nursery education
- a detention centre for children
- a secure accommodation service for children (Wales only)
- a children's home or a home provided under the Children Act 1989
- a care home wholly or mainly for children, in Wales only
- a children's centre
- relevant childcare premises

4. Supervision

Supervision needs to be considered where the activity undertaken is teaching, training, or instruction, care for, or supervision of children. In law, this is described as day-to-day supervision that is reasonable in all the circumstances, for the purpose of protecting any children concerned.

If a role within a specified establishment is paid, then the individual will always be in regulated activity with children and therefore eligible for an Enhanced DBS check with a check of the Children's Barred List. This is regardless of the level of supervision they are under.

If a role within a specified establishment is voluntary, then the organisation must consider the [Department for Education \(DfE\) statutory supervision guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/280881/supervision_of_activity_with_children_which_is_regulated_activity_when_unsupervised.pdf) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/280881/supervision_of_activity_with_children_which_is_regulated_activity_when_unsupervised.pdf). If the organisation decides that the role is sufficiently supervised, then the volunteer is not in regulated activity with children and is eligible for an Enhanced DBS check only.

5. Specified positions in Wales only

These positions meet the definition of regulated activity with children because of the job title or responsibilities, and do not need to be carried out a specific number of times:

- functions of the Children's Commissioner for Wales and of the Deputy Children's Commissioner for Wales

The following positions are in regulated activity with children only if the job holder has the opportunity, because of the role held, to have contact with the children:

- 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 agencies, residential family centres, voluntary adoption agencies, adoption support agencies
- functions relating to the welfare of children in boarding schools

- functions relating to inspections of teacher training, local education authorities, registered independent schools, 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

6. Links and contacts

Further information can be found on the DBS website. You may find the following pages useful:

www.gov.uk/find-out-dbs-check (<http://www.gov.uk/find-out-dbs-check>) (our eligibility tool)

www.gov.uk/government/publication/dbs-workforce-guidance (<http://www.gov.uk/government/publication/dbs-workforce-guidance>)

Information about regulated activity with children is also available from the Department for Education (DfE)

www.gov.uk/government/publications/new-disclosure-and-barring-services (<http://www.gov.uk/government/publications/new-disclosure-and-barring-services>)

Information about regulated activity with children is also available from the Department of Health and Social Care (DHSC)

www.gov.uk/government/publications/new-disclosure-and-barring-services (<http://www.gov.uk/government/publications/new-disclosure-and-barring-services>)

NHS employers provide a range of sector specific guidance on their website and have an eligibility tool for NHS roles

www.nhsemployers.org/case-studies-and-resources/2017/04/dbs-eligibility-tool (<http://www.nhsemployers.org/case-studies-and-resources/2017/04/dbs-eligibility-tool>)

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Website: www.gov.uk/dbs (<http://www.gov.uk/dbs>)



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