

## APPENDIX 7

### What activities make a person eligible for an enhanced criminal record check?

An individual will be eligible for an enhanced criminal record check, if he / she engages in work which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and is 'work with children' and / or 'work with adults' as defined in the Police Act 1997 (Criminal Records) Regulations 2002 (as amended). Such work includes the following:

<b>CHILDREN</b>	
<b>COLUMN A</b>	<b>COLUMN B</b>
<p>An enhanced criminal record check <b>with</b> barring information</p> <p><b>Frequency Criteria:</b></p> <p>(i) <i>once a week or more;</i></p> <p>(ii) <i>four days or more in any 30 day period;</i></p> <p>(iii) <i>overnight between the hours of 02:00 &amp; 06:00. ((iii) only applies to work of a 'Specified Nature' (see below))</i></p> <p><b><u>Children – Regulated Activity</u></b><sup>26</sup></p> <p>Each of the following situations <b>MUST</b> also satisfy one of the Frequency Criteria:</p> <p><b>1. Specified Nature:</b> Teach, train, instruct, care for or supervise children (unsupervised – where supervised see Column B); or provide advice / guidance on physical, emotional or educational well-being.</p> <p><b>2. Specified Establishment</b> Work in a 'specified establishment' where there is opportunity for contact with children,</p>	<p>An enhanced criminal record check <b>without</b> barring information</p> <ol style="list-style-type: none"> <li>1. Work of a '<b>Specified Nature</b>' (as defined in Column A) where that work is <b>supervised</b><sup>28</sup>.</li> <li>2. Work of a <b>supervised volunteer</b> (or occasional or temporary contract work) in a '<b>Specified Establishment</b>' (as defined in Column A).</li> <li>3. Any activity that involves people in <b>certain defined positions of responsibility</b> (e.g. trustees of a children's charity or school governors).</li> <li>4. <b>Work done infrequently which if done frequently would be regulated activity relating to children</b> (either as defined now or as defined prior to 10 September 2012).</li> <li>5. Obtaining information in respect of <b>any person</b> who is aged 16 or over and who <b>lives in the same household</b> as an individual who is engaged in activity which <b>used to be regulated activity</b> as defined prior to 10 September 2012, where the activity normally takes place on the premises</li> </ol>

<sup>26</sup> Full details relating to Regulated Activity concerning children can be found [here](#)

<sup>28</sup> Supervision - Where the supervisor - who has him / herself been safely recruited - is always able to see the supervised worker's actions during his / her work

(e.g. a nursery school, school, Further Education Establishment, children's homes, childcare premises) - *but not work by supervised volunteers or occasional or temporary contract work that is not of a 'Specified Nature', (e.g. maintenance contractors).*

**3. Moderating an online forum for children**

used wholly or mainly by children and must be carried out by the same person.

**4. Driving a vehicle used to convey children** and any person supervising or caring for the children under arrangements made by a third party.

**Each of the following situations DOES NOT have to satisfy the Frequency Criteria:**

**5. Healthcare (e.g. doctor or nurse etc.) or personal care**

Personal care includes assistance with toileting, washing, bathing and dressing for reasons of age, illness or disability (and prompting and supervision of the same) or teaching a child for reasons of age, illness or disability to do any of these tasks. Assistance with eating, drinking for reasons of illness or disability (and prompting and supervision of the same) or teaching a child for reasons of illness or disability to do these tasks.

**6. Child-minding or fostering a child.**

**7. Day to day management on a regular basis of a person** who is **providing a regulated activity** in relation to **children**. *Please note this includes a supervisor of a person who would be in regulated activity if not under*

where the relevant individuals live.

<p><i>regular supervision.</i></p> <p><b>8. Assessing the suitability of any person</b> who is aged 16 or over to have regular contact with children and <b>who lives in the same household as an individual who is engaged in regulated activity</b>, where the activity normally takes place <b>on the premises</b> where the relevant individuals live.<sup>27</sup></p>	
<b>ADULTS</b>	
<p><b>COLUMN A</b> An enhanced criminal record check <b>with</b> barring information</p>	<p><b>COLUMN B</b> An enhanced criminal record check <b>without</b> barring information</p>
<p><b><u>Adults - Regulated Activity</u></b><sup>29</sup></p> <p><b>Frequency Criteria:</b> <i>There is <b>no longer a requirement for a person to carry out activities over a certain period. Any time a person engages in an activity set out below, he / she is engaging in regulated activity, (i.e. includes one off events)</b></i></p> <ol style="list-style-type: none"> <li><b>1. Healthcare</b> (by a healthcare professional).</li> <li><b>2. Personal Care.</b> Personal care includes assistance with eating, drinking, toileting, washing or bathing, dressing, oral care or care of skin, hair or nails due to age, illness or disability (and prompting and supervision of the same) or teaching someone to do one of these tasks.</li> <li><b>3. Social Work</b> by a Social Worker.</li> <li><b>4. Assistance with a person’s cash, bills or shopping</b> because of their age, illness or disability.</li> </ol>	<p>Frequency Criteria:</p> <ol style="list-style-type: none"> <li>(i) once a week or more;</li> <li>(ii) four days or more in any 30 day period;</li> <li>(iii) overnight between the hours of 02:00 &amp; 06:00. ((iii) only applies to work of a ‘Specified Nature’ (see below))</li> </ol> <p><b>1.</b> Provision of any activity listed below to an adult who receives a health or social care service (e.g. includes adults in care homes; sheltered housing or receiving any form of care or assistance due to age, illness or disability) or a “specified activity” (e.g. in prison).</p> <p>Please note that you <b>MUST</b> also satisfy the Frequency Criteria in relation to any such activity listed below.</p> <p>The activities will include:</p>

<sup>27</sup> Although this is not ‘regulated activity’ the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 (as amended) allows a barred list check in such circumstances.

<sup>29</sup> Full details in relation to regulated activity and adults experiencing, or at risk of abuse or neglect can be found here - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf)

<p>5. <b>Assistance with the conduct of an adult’s own affairs</b>, for example, lasting or enduring powers of attorney, or deputies appointed under the Mental Capacity Act 2005.</p> <p>6. <b>Conveying</b>: conveying adults for reasons of age, illness or disability to, from or between places <b>where they receive healthcare, personal care or social work</b>. This would not include friends or family or taxi drivers.</p> <p>7. A person whose role includes <b>the day to day management or supervision</b> of any <b>person</b> who is engaging in <b>regulated activity</b>.</p>	<p>a. Any form of <b>care or supervision</b>;</p> <p>b. Any form of <b>treatment or therapy</b>;</p> <p>c. Any form of <b>training, teaching, instruction, assistance, advice or guidance</b></p> <p>d. Moderating a <b>public electronic interactive communication service</b>,</p> <p>e. Any form of work carried on in a <b>care home</b>, ;</p> <p>f. <b>Advocacy services</b> ;</p> <p>g. <b>Transportation</b> of an adult who receives a health or social care service etc., (whether or not the adult is accompanied by a carer) (except where already included in Column A – Adults – No. 6 “Conveying”).</p> <p>2. Individuals who are <b>trustees</b> of a vulnerable adult’s charity.</p>
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