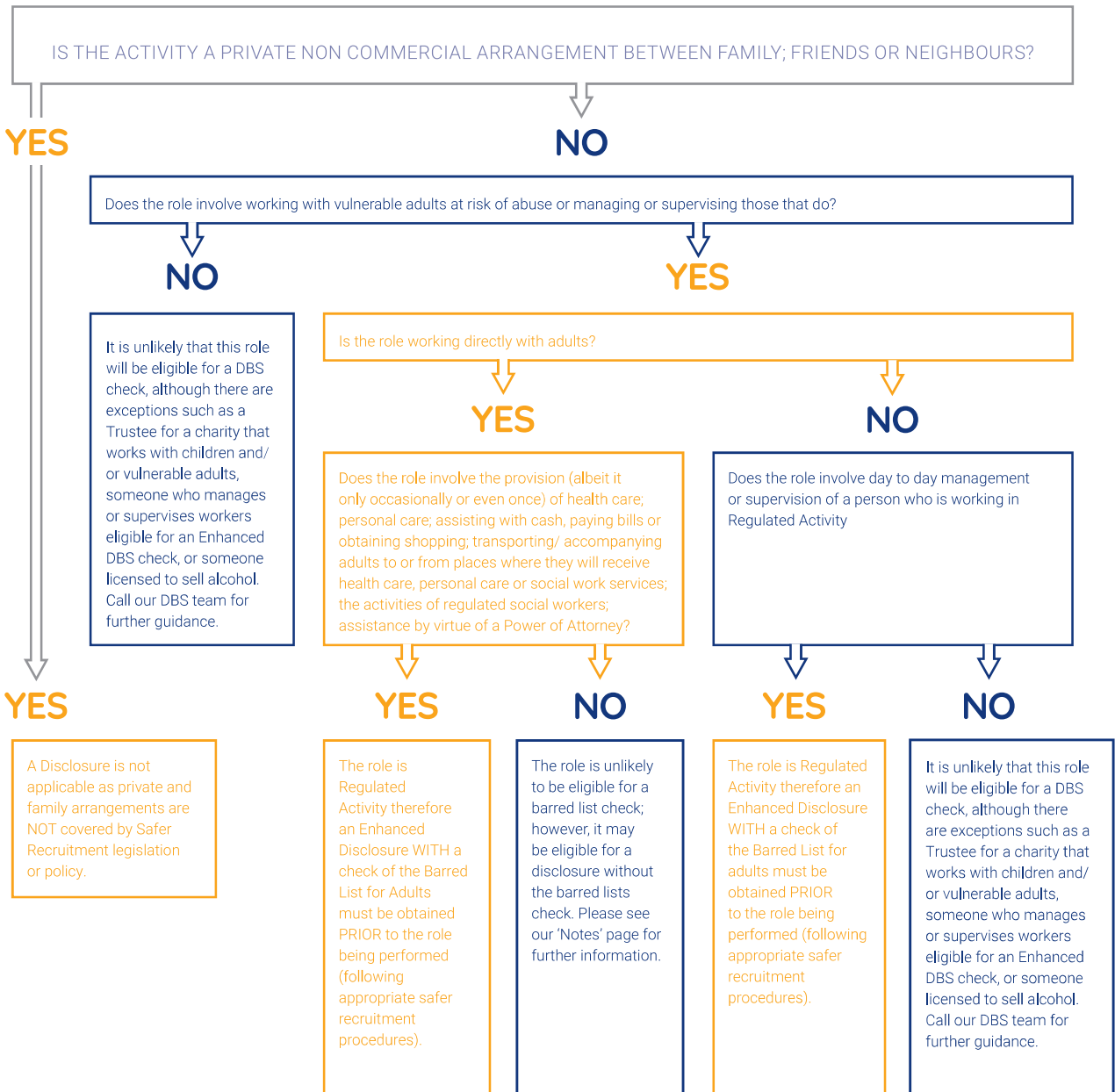


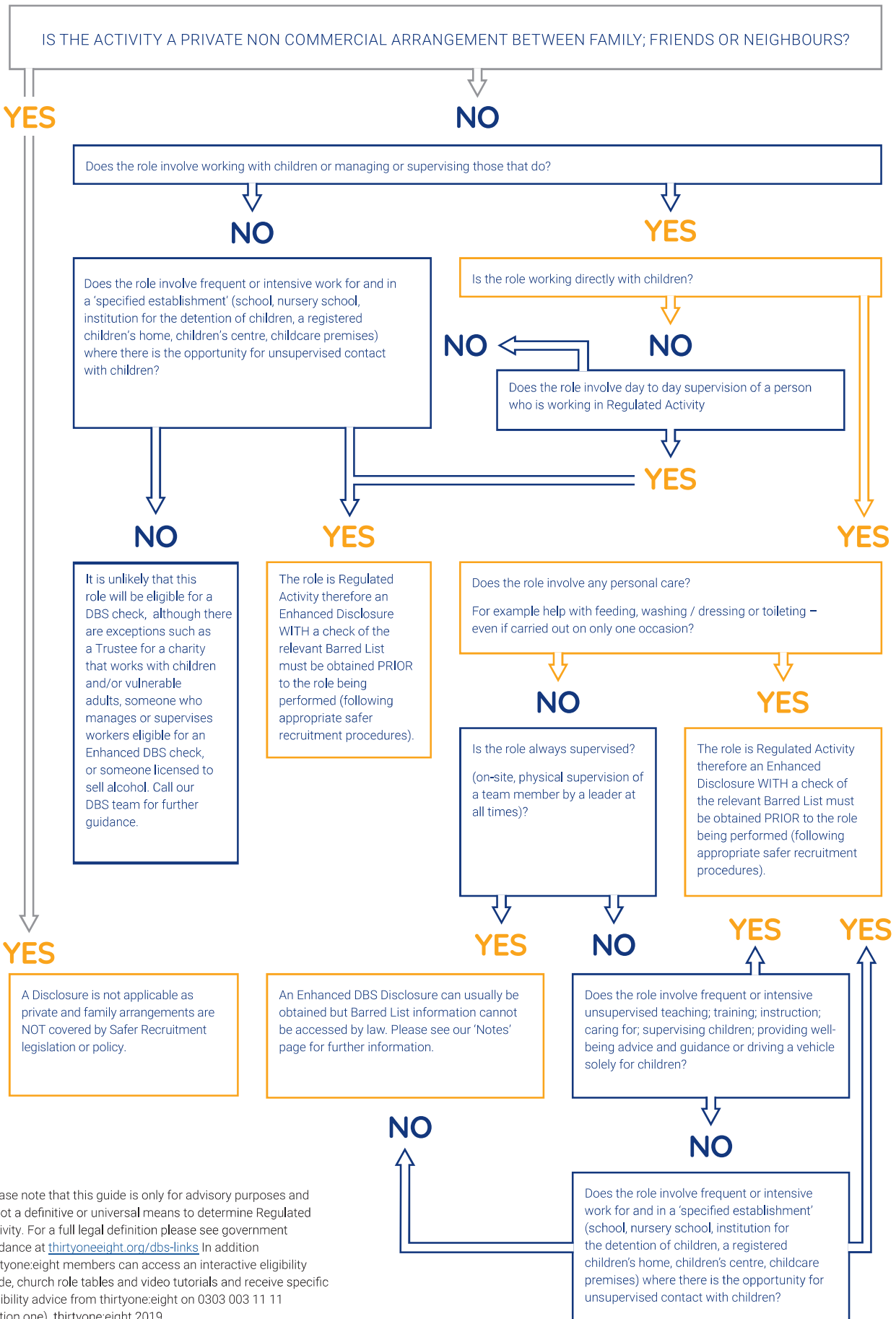
# Regulated Activity decision making flowchart

## Regulated Activity with adults



Please note that this guide is only for advisory purposes and is not a definitive or universal means to determine Regulated Activity. For a full legal definition please see government guidance at [thirtyoneeight.org/dbs-links](http://thirtyoneeight.org/dbs-links). In addition thirtyone:eight members can access an interactive eligibility guide, church role tables and video tutorials and receive specific eligibility advice from thirtyone:eight on 0303 003 11 11 (option one). thirtyone:eight 2019

# Regulated Activity Decision Making Flowchart For Children



Please note that this guide is only for advisory purposes and is not a definitive or universal means to determine Regulated Activity. For a full legal definition please see government guidance at [thirtyoneeight.org/dbs-links](http://thirtyoneeight.org/dbs-links). In addition thirtyone:eight members can access an interactive eligibility guide, church role tables and video tutorials and receive specific eligibility advice from thirtyone:eight on 0303 003 11 11 (option one). thirtyone:eight 2019

## Regulated Activity decision making flowchart notes

### Adults

If an applicant is not in Regulated Activity but works with adults who may be vulnerable then it is possible they are still eligible for an enhanced DBS check but without a check of the barred lists. It is the expectation of the Charity Commission, major Christian denominations and many insurance companies that you apply for a DBS check where the applicant's role is legally eligible for one.

The worker may still be able to have an enhanced check (without a check of the barred list) if they are working weekly, or 4 or more days in a 30 day period, or overnight with those who are receiving health or social care and they are giving care, supervision, treatment, therapy, advocacy, transportation, teaching, advice, guidance and/or assistance in a group aimed at adults who need help because of their age, illness, disability or live in certain types of accommodation such as a prison, remand centre, residential care home etc. Workers employed in a care home who are not in Regulated Activity will be eligible for an Enhanced check.

The worker will be able to have an enhanced check (without a check of the barred list) if they are a Trustee of a charity that works with adults at risk. In addition someone who is supervising/managing workers who are eligible for an Enhanced DBS check will be eligible for a DBS check at the same level of those they are supervising/managing).

### Children

If you have worked through the Regulated Activity Flowchart and determined that an applicant is not in regulated activity but they supervise, teach, train, instruct and/or care for children, or provide advice/guidance on well-being or drive a vehicle only for children on more than one occasion then they are eligible for an enhanced DBS check but without a check of the barred lists. It is the expectation of the Charity Commission, major Christian denominations and many insurance companies that you apply for a DBS check where the applicant's role is legally eligible for one.

There is eligibility for an enhanced check (WITH a check of the barred lists) where a person lives in a household of someone who is working in regulated activity with children and who carries out some/all work from home. (\*This only applies if the member of the household has opportunity for contact with the children- they are not in regulated activity but the barred listed can still be checked. This is an exception to the rule.)

A trustee of a charity that works with children is eligible for an Enhanced DBS check. In addition someone who is supervising/managing workers who are eligible for an Enhanced DBS check will be eligible for a DBS check at the same level of those they are supervising/managing.

### Definitions

Health Care is defined as health care provided by a health care professional (meaning a person regulated by bodies like General Medical Council; Nursing & Midwifery council for example). Health care means all forms of health care provided for adults for physical or mental health needs and includes palliative care.

Psychotherapy and counselling are included when provided by or referred by a health care professional or a social services placement/referral. Services not provided by a health care professional are not covered by Regulated Activity i.e. life coaching; pastoral counselling etc; although if these are performed at least once a week, or four or more days in a 30 day period, or overnight they could be eligible for an enhanced DBS check without a check of the barred list/s. Please contact thirtyone:eight for specific advice.

Personal Care (Adults) is defined as those who provide or prompt an adult with physical assistance with eating; drinking; toileting; washing or bathing; dressing; oral care or care of skin, hair or nails due to the adult's age, illness or disability, these would all be in Regulated Activity (except in circumstances where a hairdresser or a person cuts the hair of an adult).

Personal Care (Children) is defined as physical help with eating, drinking, toileting, washing, bathing or dressing for reasons of age, illness or disability as is prompting, supervision or training when a child is otherwise unable to decide for themselves in relation to any of these personal care activities

Frequently / Intensively for the purpose of Regulated Activity only 'frequently' is once a week or more; 'intensively' is four or more days in a 30 day period or overnight between the hours of 2 and 6am

## Scenarios of Roles and their eligibility basis:

- A creche worker who physically assists young children with going to the toilet (on one occasion or more) would be in Regulated Activity.
- A Sunday School worker would only be in a Regulated Activity if they work every week or more and are not always supervised; or if they are providing personal care to the children e.g. toileting. If this does not apply they would still be eligible for an enhanced DBS check without a check of the barred lists even if they are always supervised.
- Purely administrative roles ie Church Administrator or Treasurer are NOT eligible for an Enhanced Disclosure (unless they are a Trustee) as they do not work directly with vulnerable groups. In these situations you can consider a Basic check. Additionally Disclosures cannot be accessed for those who handle sensitive or confidential information (unless they are supervising/managing workers who are eligible for an Enhanced DBS check, in which case they will be eligible for a DBS check at the same level of those they are supervising/managing).
- A church worker who visits housebound people and on occasions is asked by the homeowner to do some shopping or pay a bill on their behalf is engaging in Regulated Activity.
- A church worker who is part of a group of volunteers that drive/ accompany church members to their GP surgery or hospital appointments is working in Regulated Activity.
- A luncheon club/foodbank or street outreach whose workers just serve food, drinks, or have a friendly chat with those they work with will not be in a Regulated Activity with adults unless they are giving professional counselling/health care or personal care to adults. They will qualify for Regulated Activity with children if they are advising/supervising/caring etc for children frequently or intensively on an unsupervised basis. If they are not in Regulated Activity but they do care for/supervise/give guidance/mentor children or vulnerable adults then they are likely to be eligible for an enhanced DBS check without a check of the barred lists - see additional notes above.
- Prayer teams whose members pray with/for adults and children in a public area/town centre type setting are not in Regulated Activity nor do they qualify for an enhanced DBS check, though you can consider a basic check. If however, their job role includes praying with a child/children frequently or intensively in an unsupervised setting, this would be Regulated Activity.

# Enhanced DBS Eligibility for Church Workers Guide

Please note this list is not prescriptive – eligibility decisions should always be made on the specific and individual duties within a role. Remember, there is no eligibility criteria for a basic disclosure

Role	Enhanced Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
BAPs/Ordination training candidate	Eligible	Regulated Activity with children and adults (this is a paid role)	Trainee Minister
Bellringer	Not Eligible	Unless in a supervisory/teaching role with junior bellringers	Bellringer supervising Children
CAP Befriender	Eligible	Usually Enhanced, possibly Regulated Activity see Flowchart and notes as this is dependant on individual role	
CAP Centre Manager	Eligible	Regulated Activity with adults	
CAP Debt Counsellor	Eligible	Enhanced – Regulated Activity with adults if dealing with money on behalf of client	
Caretaker/Premises Manager	Not Eligible	Unless they work in a school or their responsibilities include supervising children	Caretaker supervising children
Chalice Bearer	Not Eligible		
Childcare Practitioner	Eligible	Regulated Activity with children	
Children's worker	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively unsupervised	Church Children's Worker
Choir Chaperone	Eligible	Enhanced or Regulated Activity with children - see Flowchart and notes	Choir Chaperone with Children
Choir Master	Eligible	Eligible only if supervising/teaching children or supervising those who do – then usually Enhanced and Regulated Activity with children	Choir Master with Children

Role	Enhanced Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Choir member	Not Eligible	Unless also has chaperone/teaching role with junior choir members	Choir Supervising Children
Churchwarden	Eligible	Enhanced (if a Trustee of a charity that works with children or adults at risk) or Regulated Activity depending on their role	Churchwarden/Trustee
Coffee/tea servers	Not Eligible		
Counsellor	Eligible	Enhanced if carried out frequently or intensively with adults or on more than one occasion with children* and Regulated Activity if receiving referrals from healthcare professionals and/or if unsupervised with children.	Either Counsellor or Counsellor in Regulated Activity
Creche Worker	Eligible	Enhanced – with Regulated Activity if changing nappies/toileting children and/or not supervised.	
Debt Advisor	Eligible	Enhanced If working frequently or intensively* with adults at risk – Regulated Activity if dealing with money on behalf of client or provide counselling by means of a social services or health care professional referral.	
Director of Music	Eligible	Eligible only if supervising/teaching children or supervising those who do – then usually Enhanced and Regulated Activity with children	Leader of Music Supervising Children
Driver of Adults at Risk	Eligible	Enhanced if carried out frequently or intensively* Regulated Activity if taking adults to or from a place where they receive health care i.e. hospital, GP surgery, nursing home (not residential home) etc. on one occasion or more	
Driver of Children	Eligible	Regulated Activity with children if frequently or intensively. Enhanced if on more than one occasion.	
Elder	Not Eligible	Unless a Trustee and/or responsibilities include supervising the work of children or adults at risk	Trustee/Church Leader; supervising children/adults at risk

Role	Enhanced Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Evangelist	Eligible	Enhanced if a C of E commissioned Evangelist	Lay Minister/Evangelist
Flower Arranger	Not Eligible		
Foodbank Worker	Not Eligible	Generally not eligible but see Flowchart and notes	
Head Server	Eligible	Only eligible if on more than one occasion supervising/teaching children	Head Server supervising children
Home Visitor	Eligible	Enhanced if frequently or intensively with adults	
Homeless Shelter Worker	Eligible	Enhanced and possibly Regulated Activity - see Flowchart and notes – unless only serving food/refreshments or having a supervised 'friendly chat' in which case not eligible	
Hospital Chaplain	Eligible	Enhanced usually Regulated Activity with adults and/or children	
Incumbent/Clergy/Church Leader	Eligible	Regulated Activity with children and adults	
Junior Church Helper/Leader	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively unsupervised	
Lay Minister of Communion	Not Eligible		
Licensed Lay Minister (LLM)	Eligible	Enhanced and usually RA depending on terms of license.	
Minister	Eligible	Regulated Activity with children and adults	
Nightshelter Worker	Eligible	Enhanced and possibly Regulated Activity - see Flowchart and notes – unless only serving food/refreshments or having a supervised 'friendly chat' in which case not eligible	
Nursery Manager/Worker	Eligible	Regulated Activity	
Open the Book Volunteer	Eligible	Only Regulated Activity if unsupervised	
Ordinand in training	Eligible	Regulated Activity with children and adults (this is a paid role)	
Organist	Not Eligible	Unless also has chaperone/teaching role with junior choir members	Children's Choir Supervisor

Role	Enhanced Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Overseas Childrens Worker	Eligible	Usually Regulated Activity	
Parent and Toddler Group helper	Not Eligible	Unless they supervise activities with children in which case normally Enhanced – see Flowchart and notes	
Parent and Toddler Group Leader	Eligible	Group leader is usually eligible for Enhanced Check in Regulated Activity if the role includes supervising/caring for/toileting children away from the parent/carer	
Parish Administrator/ Secretary	Not Eligible		
Pastor	Eligible	Regulated Activity with children and adults	
Pastoral Assistant	Eligible	Enhanced If carried out frequently or intensively* Regulated Activity if doing shopping and therefore taking money	Pastoral Worker
Pastoral Team Member	Eligible	Enhanced If carried out frequently or intensively* Regulated Activity if doing shopping and therefore taking money	Pastoral Worker
Pastoral Visitor	Eligible	Enhanced If carried out frequently or intensively* Regulated Activity if doing shopping and therefore taking money	Pastoral Worker
Pastoral Worker	Eligible	Enhanced If carried out frequently or intensively*. Not usually Regulated Activity unless specific duties –see Flowchart and notes (i.e. doing shopping and therefore taking money)	
PCC Member	Eligible	Only for churches that are a charity and work with children or adults at risk. Enhanced - as Trustees of a charity that works with children or adults at risk, good practice would say that they are checked	Church Warden/Trustee
Prayer Team Member	Not Eligible	Unless regularly*praying unsupervised with children	



Role	Enhanced Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Reader	Eligible	Often Regulated Activity with children/Enhanced Adults (but can differ according to core responsibilities and role) Post-licensing renewals subject to diocesan policy	Lay Minister/Reader
Sacristan	Not Eligible	May qualify if also a Server – follow guidance for that role	
Safeguarding Officer	Eligible	Eligible if supervising workers eligible for Enhanced Disclosures and/or those engaged in Regulated Activity, or working with children or adults at risk For the Church of England the role is also eligible if the applicant serves on the PCC See PCC role notes	Safeguarding Officer Supervising RA or Safeguarding Officer / Trustee
Server	Not Eligible	Unless in a supervisory/ teaching role with junior servers	Server Supervising Children
Steward/Sidesperson	Not Eligible	Unless specifically designated to supervise/toilet children	Steward Supervising Children
Street Pastor	Eligible	Only eligible for Enhanced with children	
Sunday School Helper/ Assistant	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively unsupervised	Sunday School Helper
Sunday School Teacher/ Leader	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively* unsupervised	
Support Worker	Eligible	Usually Enhanced, possibly Regulated Activity see Flowchart and notes	
Tower Captain	Eligible	Eligible if supervising/ teaching children or supervising those who do – then Enhanced and Regulated Activity with children	Bellringer Supervising Children
Treasurer	Not Eligible	Unless they are also a Trustee of a charity that works with children or adults at risk – see notes under 'Trustee'	Trustee of Charity
Trustee	Eligible	Only eligible for Enhanced Check if Trustee for a charity that works with children or adults at risk	Trustee of charity

Role	Enhanced Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Verger	Not Eligible	It is highly unlikely that your verger will be eligible at all, unless there is a specific duty/role within the job description for working with children and/or vulnerable adults. Any contact is likely to be deemed to be incidental to the main purpose. That said there may be eligibility, if there are any duties which mean they are directly engaged or have substantial contact with children/vulnerable adults, (such as where they are authorised to provide pastoral care).	
Welcomer	Not Eligible	Unless specifically designated to supervise/toilet children	
Worship Leader	Not Eligible	Unless also has chaperone/teaching role with children in which case 'children's worship leader' should be the position applied for	
Youth Camp Worker	Eligible	Usually in Regulated Activity	
Youth worker	Eligible	Enhanced if working on more than one occasion and often Regulated Activity if working weekly, intensively or overnight not supervised	

\* Frequently or intensively means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight between 2am and 6am, where there is opportunity for face-to-face contact). Regularly is the dictionary definition.