

## WHAT IS THE GUIDANCE FOR?

This guidance is to support national and representative bodies of sport and recreation with understanding the concept of 'regulated activity' and in particular how to define supervision in their unique environments.

It has been produced for two reasons:

1. Supplement Statutory Guidance  
To help the sector interpret the statutory guidance released by the Government on how to define supervision;
2. Provide parity across the sector on defining supervision  
To provide the sector with some key prompts for determining 'supervision' in their environment and thus ensuring that all organisations in the sector are applying the same rationale when deciding if a role is supervised or not. Parity across the sector for defining supervision is important.

## WHAT IS THE SIGNIFICANCE OF DEFINING SUPERVISION?

### Background to concept of 'Regulated Activity'

The Safeguarding Vulnerable Groups Act 2006 introduced the concept of requiring organisations to check individuals engaged in 'Regulated Activity'.

The Protection of Freedoms Act 2012 received Royal Assent on 1st May 2012. It amended the definition of 'Regulated Activity' with the intention of fewer individuals being classified as in Regulated Activity. This was designed to reduce the number of individuals for whom an organisation would be required by law to check.

The new definition of 'Regulated Activity' was introduced on 10<sup>th</sup> September 2012.

### Legal requirements

#### Legal duties for an organisation

1. **Not knowingly allow a barred person to work in 'Regulated Activity';**
2. **Must inform DBS if an individual is removed from 'Regulated Activity' because they have harmed or because they pose a risk of harm to vulnerable groups (including children).**

The tool you can use to find out if a person is barred or not is to perform a barred list check. This is an option provided when you ask for a DBS check on an individual.

64	are you entitled to know whether the applicant is barred from working with children?	no	<input type="checkbox"/>	yes	<input type="checkbox"/>
65	are you entitled to know whether the applicant is barred from working with adults?	no	<input type="checkbox"/>	yes	<input type="checkbox"/>

It is important to note that you can only request a barred list check on individuals who are in 'Regulated Activity'.

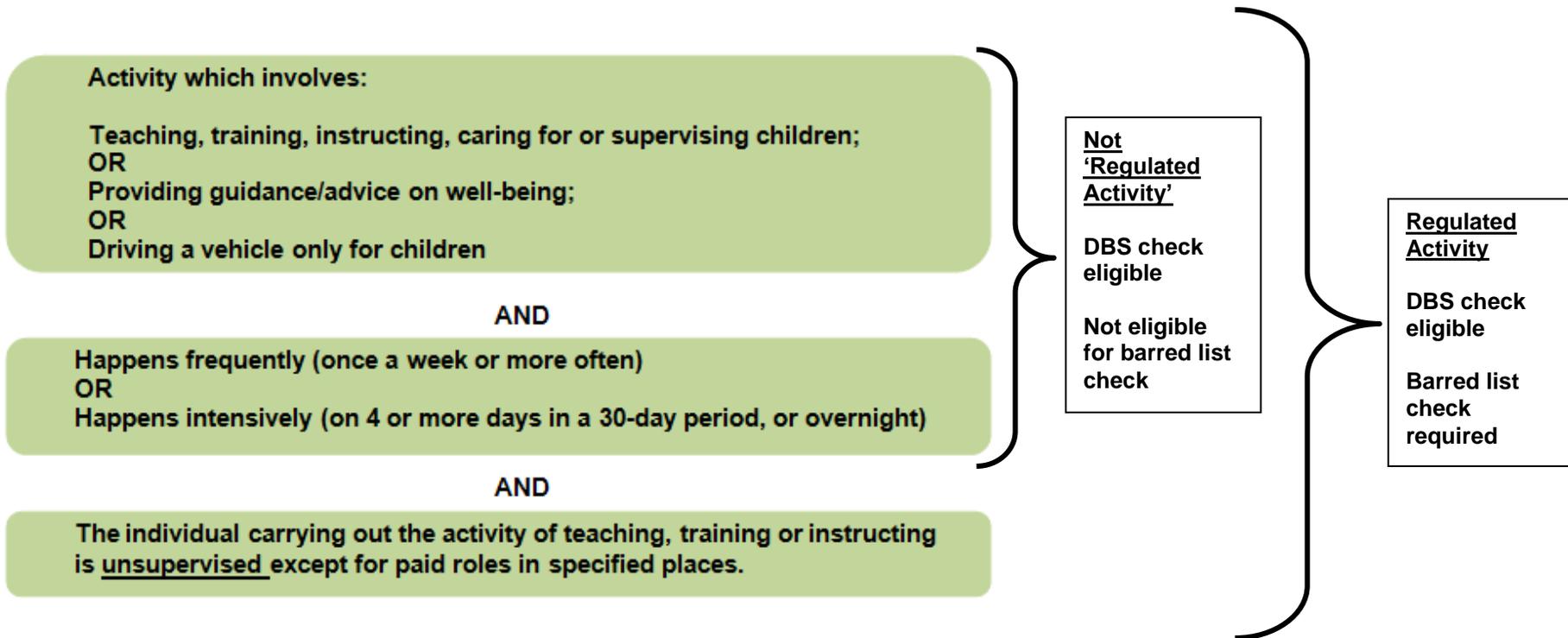
You are not entitled to know whether an individual is barred from working with children or adults if they are **not** in 'Regulated Activity'.

#### You must be able to determine if an individual is in 'Regulated Activity' so you can:

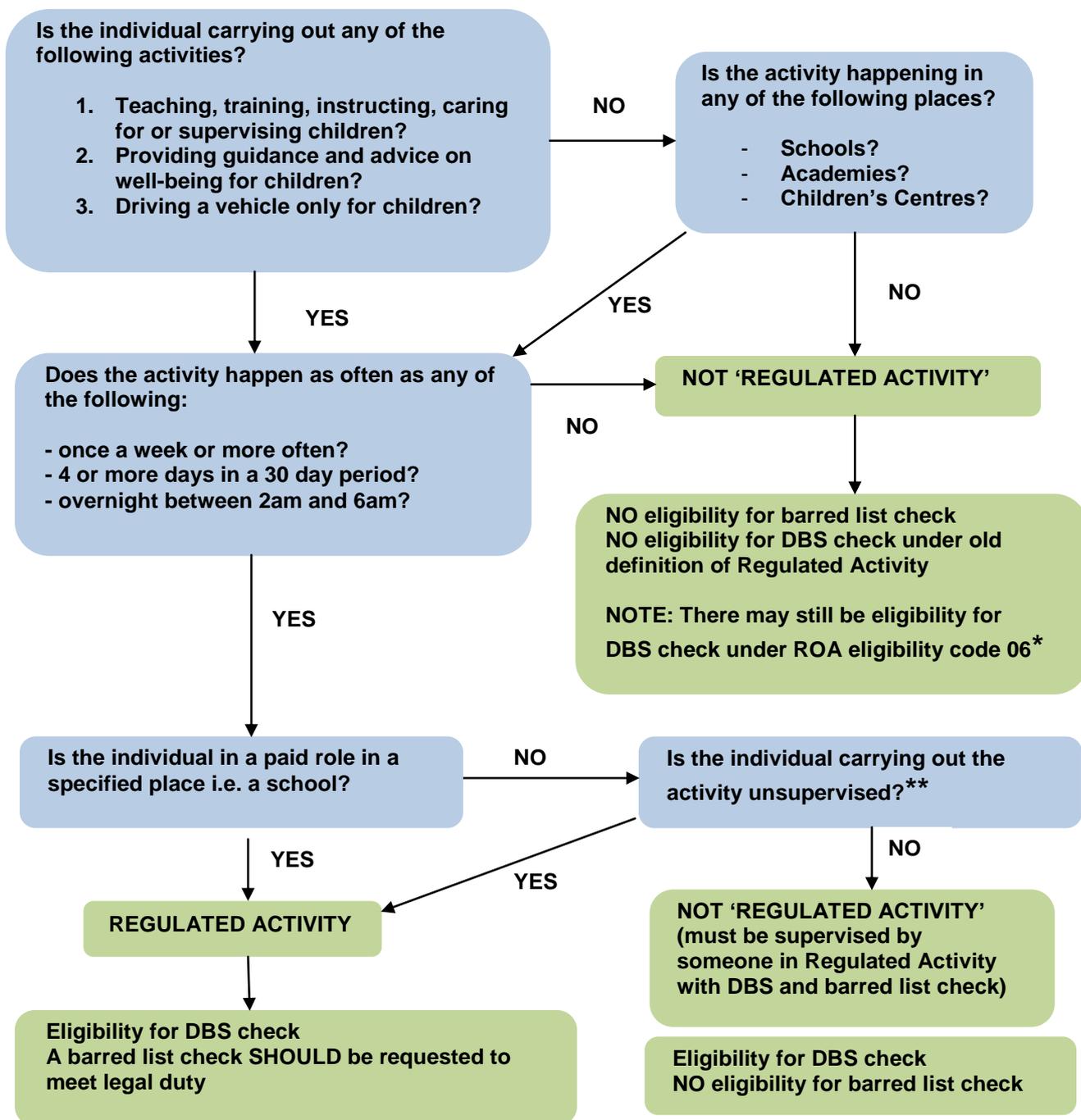
1. **Fulfil your legal duties;**
2. **Ask for (only) the information you are legally entitled to see.**

There are several charts below to help you identify if someone is in 'Regulated Activity'.

The criteria for assessing if an individual is in 'Regulated Activity':



Flow chart to determine if an individual is in 'Regulated Activity':



\* Rehabilitation of Offenders Act eligibility code 06 'Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children' is still available for sport to use. The word 'regularly' in this eligibility code is not linked to the requirements in the definition of 'Regulated Activity' – it is open to define by the organisation. It is suggested annually is not enough but an argument could be made for eligibility if an individual does an activity 8 times over the summer period or once a month for example.

\*\* To answer 'No' to this question the individual carrying out the activity must be supervised by an individual who is in 'Regulated Activity' themselves.