UCL DBS Checks and Criminal Convictions Policy

Appendix A – Regulated Activity Examples

Regulated activity includes, but is not limited to the examples below. Services aimed at the general public (e.g. hobby societies) but where vulnerable groups may attend, are not considered regulated activity.

1. Regulated Activity - Children

Unsupervised teaching, training or instruction, supervising, caring for children

1.1 Examples include: private tutors, teachers, speech therapists and youth workers. Wardens are likely to be supervising or caring where there are students under 18 living in student residencies.

Unsupervised advice or guidance for children, and advice, guidance or assistance for vulnerable adults

1.2 For children this includes advice or guidance which relates to their physical, emotional or educational wellbeing e.g. children's mentors, counsellors, children's career advisors including members of Outreach providing advice to children at the same schools/colleges.

Specified place

1.3 In some specified places, regulated activity includes anyone whose work gives them the opportunity for contact with children, regardless of the type of activity. For example, this will include catering, cleaning, administrative and maintenance workers or contractors if they meet the frequency test. Specified places include:

- schools (educational institutions exclusively or mainly for the provision of full-time education to under-18s)
- children's homes
- childcare premises (including nurseries)
- pupil referral units (short stay schools).
- institutions exclusively or mainly for the detention of children
- children’s hospitals (hospitals exclusively or mainly for the reception and treatment of children) – formerly a specified place so enhanced only, unless performing other type of regulated activity within the hospital
2. Regulated Activity – Children and Adults

Healthcare treatment or therapy provided to vulnerable groups

2.1 This includes healthcare professionals, therapists, healthcare assistants, in both hospitals and community settings.

Students with placements in regulated activity

2.2 Students are likely to be conducting regulated activity where they have placements in workplaces arranged by UCL for courses leading to employment as teachers, social workers, youth workers, counsellors, doctors and allied health professions.

Research

2.3 Staff or students who may interact with vulnerable groups through their academic research may count as regulated activity. An interview with a child, or an experiment to test a child's response to some stimulus, outside a school setting, is not in itself regulated activity. If there is a carer present, the academic is not providing care or supervision and is not therefore carrying out regulated activity. Research with an adult is only regulated activity if there is health care, personal care, social care or assistance as defined in 4.4 of this policy. If the researcher is a health professional, s/he will carry out regulated activity anyway.

3. Exemptions from regulated activity

Under-18s in higher education

3.1 Teaching, training and instruction or care and supervision of under-18s in higher education will not be required to have DBS checks. The exemption in relation to under-16s will only come into effect when the department has undertaken a risk assessment and put in place suitable arrangements in the light of the result of the risk assessment e.g. restriction of one-to-one contact with the child.

Students aged 18 or over who work with students under 18

3.2 The 'peer exemption' applies to students aged 18 or over and they will not carry out regulated activity if they live and work alongside younger students. However students over 18 working with students under 18 will still need to comply with UCL Safeguarding policies.

Children and young people in the workplace

3.3 Teaching and training, care and supervision, advice and guidance and medical treatment provided as part of a 16 or 17 year-old's employment (which may be part of their learning or in a work experience situation) is not regulated activity if carried out by a person for whom arrangements do not exist principally for that purpose. In the case of work experience, a DBS check will only be required if an employee's specific job purpose includes looking after under-16 work experience students - see the UCL Work Experience Policy.
Activity with children which is merely incidental to activity with adults

3.4 Where teaching, training or instruction or care or supervision of children is merely incidental to the function of a role because the children are part of a mixed-age group and their involvement is incidental to the purposes of the activity, this is not regulated activity.

3.5 To be considered 'incidental', the activity should be designed and provided for adults, and the presence of a child or children must either be unforeseen or be dependent on the presence of the adult.

Porters/security guards

3.6 Porters/security guards in halls of residence or other HE premises: if care or supervision of students (who are under 18) is not in their role description, they are not carrying out regulated activity and DBS checks will not be required. Deterrence of intruders, protection of property and portering are unlikely to constitute care or supervision of those authorised to be in the premises.

Ancillary first aid

3.7 First aid provided by an employee as an ancillary part of their job is not regulated activity.

Regulated activity carried out by visitors in relation to visiting vulnerable groups

3.8 There is an exemption of regulated activity undertaken by visitors from outside England, Wales or Northern Ireland for up to three months with children or adults also from outside England, Wales or Northern Ireland e.g. summer camps where the children reside at UCL residencies.