

# Site Issues

## Am I eligible for an Enhanced DBS Disclosure?

Enhanced checks – To be eligible for an Enhanced level DBS check, the position must be included in both the ROA Exceptions Order and in Police Act Regulations.

Enhanced checks with Children's and/or Adults' Barred list check(s) – To be eligible to request a check of the Children's or Adults' Barred lists, the position must meet the new definition of Regulated Activity. There are a small number of other positions for which you can also request list checks.

### REGULATED ACTIVITY

The term **Regulated Activity** is a statutory term used to describe working or volunteering with children or vulnerable adults. Regulated activity covers anyone working closely with children or vulnerable adults, either paid or unpaid, not part of a family or personal arrangement, on a frequent, intensive or overnight basis.

Frequent means once a week or more (except in health or personal care services where frequent means once a month or more); intensive means four times in a month or overnight.

A Regulated Activity may be a role that is carried out frequently or intensively or overnight in any of the following **specified** settings:

- Schools (educational institutions exclusively or mainly for the provision of full time education to under-18s)
- Pupil referral units
- Childcare premises (including nurseries)
- Residential homes for children in care
- Children's hospitals (hospitals exclusively or mainly for the reception and treatment of children)
- Children's detention centres (institutions exclusively or mainly for the detention of children)
- Children's centres in England and Wales, and
- Adult care homes (residential care or nursing homes in Northern Ireland).

Regulated activity can also include any of the following specified activities:

- Teaching, provided wholly or mainly for children and vulnerable adults
- Training, provided wholly or mainly for children or vulnerable adults
- Supervising

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- Advice
- Treatment, or
- Transport

This would not apply in the case were an employer considers that the opportunity to develop a trust through that position warrants an Enhanced DBS check. To be eligible to request an Enhanced DBS check a position must meet both the definition of the activity and meet the frequency or intensive test. It cannot be Regulated Activity if it does not meet both conditions.

It might be helpful if I also explain that for DBS purposes a vulnerable adult is a person who is aged 18 years or older and:

is living in residential accommodation, such as a care home or a residential special school;

is living in sheltered housing;

is receiving domiciliary care in his or her own home;

is receiving any form of health care;

is detained in a prison, remand centre, young offender institution, secure training centre or attendance centre or under the powers of the Immigration and Asylum Act 1999;

is in contact with probation services;

is receiving a welfare service of a description to be prescribed in regulations;

is receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions or expectant or nursing mothers living in residential care (age-related needs includes needs associated with frailty, illness, disability or mental capacity);

is receiving direct payments from a local authority/HSS body in lieu of social care services;

requires assistance in the conduct of his or her own affairs.

In order for eligibility to exist in this case the role must meet the eligibility criteria

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for Regulated Activity. This means working in the **SAME Specified Place**, working **frequently** (once a week or more) and **having the opportunity to have contact with children or vulnerable adults** or carrying out a **specified activity, frequently**. If this is the case then eligibility would exist.

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