



Disclosure &
Barring Service

Regulated activity with adults in Wales



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Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

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What is regulated activity?

Regulated activity is work that a barred person must not do. However, it **excludes** any activity carried out in the course of family relationships, and personal, non-commercial relationships.

An adult is any person aged 18 years or over.

You only need to carry out any of the activities once to be in regulated activity with adults.

If you are employing someone to do work that is regulated activity with adults you could request an **Enhanced DBS certificate with an adults barred list check**.

When you request a DBS certificate to assess someone to carry out regulated activity with adults this means that you are a regulated activity provider (RAP) which brings obligations under the Safeguarding Vulnerable Groups Act 2006.



What are these obligations?

As a regulated activity provider you have a legal duty to refer an individual to the DBS where the relevant conditions are met. These are the conditions:

- you withdraw permission for a person to engage in regulated activity with children and/or adults. Or you move the person to another area of work that isn't regulated activity. This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left.

And you think the person has carried out one of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or adult or put them at risk or harm or;
- satisfied the harm test in relation to children and/or adults. E.g. there has been no relevant conduct but a risk of harm to a child or adult still exists, or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

How do I make a referral?

We accept referrals made using our online referral form or by post (paper).

Either way you'll be asked to provide prescribed information. This is information that you must legally provide, if you're under a duty to refer or if you fall within those persons/bodies who are legally required to provide information on request. You should be aware that the legal duty to provide prescribed information may apply whether you've made a referral to the DBS or not.

It's important that you provide us with as much relevant information as you can. DBS rely on the quality of information provided to us. You're not expected to provide information that you don't have access to. As part of the process to decide if an individual should be placed on a barred list, any information in your referral may be used by us and could be disclosed to the referred person or other parties.

For further help with referrals

www.gov.uk/government/publications/dbs-referrals-referral-chart

Regulated activities with adults are:



- Providing social work by a social care worker to an adult who is a client or potential client.
- Assisting an adult who can't manage themselves because of their age, illness or disability with the day-to-day running of their household relating to:
 - managing the adult's cash;
 - paying the adult's bills;
 - shopping.
- Assistance in the conduct of an adult's own affairs, where:
 - a lasting power of attorney is created
 - an enduring power of attorney is registered or applied for
 - the Court of Protection has made an order in relation to the making of decisions on the adult's behalf
 - an independent mental health or mental capacity advocate is appointed
 - independent advocacy services are provided
 - a representative is appointed to receive benefits payments on the adult's behalf.

- Conveying adults to, from or between health care, personal care and/or social work services who can't convey themselves because of their age, illness or disability.
- Day to day management or supervision of anyone carrying out the above activities.
- Inspection functions where the inspection relates to social services, care, treatment or therapy for adults and provides the opportunity for contact with those adults, for the following:
 - Welsh agencies required to be registered under section 11 of the Care Standards Act 2000
 - Persons in Wales required to be registered under Part 2 of the Care Standards Act 2000
 - Welsh NHS bodies
 - Anyone, other than a local authority, providing Welsh local authority social services.
- The Commissioner for older people in Wales or the deputy Commissioner for older people in Wales.

Further information can be found on the DBS website. You may find the following pages useful.

www.gov.uk/government/publications/dbs-workforce-guidance

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Disclosure & Barring Service

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