

Regulated Activity in relation to Children: scope

Regulated activity is work that a barred person must not do. This note provides information on the scope of Regulated Activity in relation to children, defined in the the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, as amended by the Protection of Freedoms Act 2012 and the Crime and Policing Act 2026. This note is about the law in Northern Ireland.

This note comprises:

- (I) a short summary, and
- (II) a full description.

Regulated activity still excludes family arrangements; and personal, non-commercial arrangements.

(I) Summary

The definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises:

- (i) teaching, training, instruction, caring for or supervising children, or providing advice/ guidance on well-being, or driving a vehicle only for children;
- (ii) work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises.
- (iii) relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;
- (iv) registered childminding; and foster-carers.

Work under (i) or (ii) is regulated activity only if done regularly: "regularly" is defined in detail on the following pages under items (a) to (f).

A full detailed description of the above scope follows.

(II) Full description of scope

Part 1: Regulated Activity for children – Activities

Part 2: Regulated Activity for children – Establishments

Part 1: Regulated Activity in relation to children – Activities

The activities in the left-hand column are regulated activity in relation to children, subject to:

- exceptions in the right-hand column;
- different provisions for “establishments” (specified places) in Part 2.

Do not read the left-hand column in isolation from the right-hand column or from Part 2.

Activity	Exceptions – not Regulated Activity
All of regulated activity.	▪ Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children. This is the “peer exemption”.

In para 2(1) of Schedule 2:

(a) Teaching, training or instruction of children, carried out by the same person frequently or on 4 or more days in a 30-day period, or overnight*. <i>*Sources:</i> - 4 or more days: Schedule 2, para 10(1), - overnight: Schedule 2, para 10(2).	▪ Any form of teaching, training or instruction of children, provided in the course of their employment. ▪ Activity merely incidental to activity with adults.
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Activity	Exceptions – not Regulated Activity
(b) Care or supervision of children if carried out by the same person frequently, or on 4 or more days in a 30-day period or overnight. See rows (i) to (iii) below re types of care.	- Any form of care or supervision of children, provided in the course of their employment. - Activity merely incidental to activity with adults.
Particular types of care within (b) above, which apply to any child, even if done only once:	
(i) Relevant personal care. <i>Para 1(1B)</i>: (a) physical help in connection with eating or drinking, for reasons of illness or disability; (b) physical help for reasons of age, illness, or disability, in connection with: (i) toileting (including re menstruation); * (ii-iii) washing, bathing, or dressing; (c) - (d) prompting with supervision, in relation to (a)-(b), where the child is otherwise unable to decide; (e) – (f) other training or advice in relation to (a)-(b).	
(ii) Health care. <i>Para 1(1C)</i>: All forms of health care relating to physical or mental health including palliative care and procedures similar to medical or surgical care.	Health care not by, or directed or supervised by, a health care professional*. <i>Para 2(3B)(a)</i>. *Defined by reference to regulatory bodies. <i>Para 1(1C)</i>.
(c) Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational wellbeing if carried out by the same person frequently or on 4 or more days in a 30-day period or overnight.	- Legal advice. <i>Para 2(3D)</i>; - Any form of advice or guidance provided for a child in the course of their employment.
(a), (b) & (c): Definition of “overnight”: In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-	

Activity	Exceptions – not Regulated Activity
face contact with children. <i>Schedule 2, Para 10(2).</i>	
Former category (d), treatment or therapy, is now replaced by “health care” provisions.	
(e) Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently or on 4 or more days in a 30-day period.	Activity by a person who does not have access to the content of the matter or contact with users.
(f) Driving a vehicle being used only for conveying children and carers or supervisors under arrangements as prescribed*, carried out by the same person frequently or on 4 or more days in a 30-day period. *Prescribed by S.R. 2009/306.	

In para 1 of schedule 2:	
(3) Early years or later years childminding* with a requirement to register, or voluntary registration, under Children (Northern Ireland) Order 1995. *That is: on domestic premises, for reward; as opposed to “childcare premises”, part 2 below.	
(5) Fostering** a child. **Defined at Article 55.	- Care arranged by family members and not for reward is not regulated activity. <i>Article 55(8).</i> - Local Authority can foster child with barred person who is, or lives with, a relative of the child. SR 2009 No 305.

In para 1 of schedule 2:

(6) Children's Court Guardian appointed under Article 60 of the Children (Northern Ireland) Order 1995

(6A) Controllers appointed under Mental Health (Northern Ireland) Order 1986

(7A) and (8) Inspection/ Registration functions in education, training, juvenile justice, childcare, and children's health or social care.

(12) Day to day management on a regular basis of a person providing a regulated activity in Schedule 2, paragraphs 1(1) or (2) – that is, activity:

- at (a) to (f) above;
- in establishments in part 2 below; and
- (6), (7A) and (8) above.

Part 2: Regulated Activity in relation to Children - Establishments

An activity is regulated activity in relation to children if carried out (subject to exceptions below):

- in one of the following establishments;
- frequently or on 4 or more days in a 30-day period;
- by the same person, engaged in work for or in connection with the purposes of the establishment; and
- it gives the person the opportunity, in their work, to have contact with children. Day to management or supervision on a regular basis of a person providing the above regulated activity for children is regulated activity for children.

Establishment	Exceptions – not Regulated Activity
Schedule 2, para 3(1):	
(a) schools (all or mainly full-time, for children); (b) nursery schools; (bb) Alternative Education Provision; (c) a children's hospital; (d) institutions for the detention of children; (e) children's homes; (f) (f) childcare premises.	▪ Activity by person contracted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children). <i>Para 1(2A) & (2B)(a)</i>; ▪ Activity by a person in a group assisting or acting on behalf of, or under direction of another person engaging in regulated activity; ▪ childcare premises which are the home of a parent etc. of at least one child to whom the childcare or child minding is provided; ▪ for activity undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging the activity infrequently, so each establishment is not a regulated activity provider in relation to that activity.