

*These notes refer to the Safeguarding Vulnerable Groups Act 2006 (c.47) which received Royal Assent on 8 November 2006*

# **SAFEGUARDING VULNERABLE GROUPS ACT 2006**

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## **EXPLANATORY NOTES**

### **CONTROLLED ACTIVITY**

#### ***Section 21: Controlled activity relating to children***

98. This section defines controlled activity relating to children. Broadly, this is any activity in the further education and health sectors which is carried out frequently, or on three or more days in a 30-day period, and involves the opportunity for contact with children or access to children's medical records but is not a regulated activity.
99. This will include ancillary work in such sectors, such as cleaning, administrative work, etc. and the teaching of adults in further education settings where children are present. Subsection (5) ensures that staff working for a local authority in connection with the making of direct payments who have contact with children are also undertaking controlled activity.
100. An individual who has the frequent opportunity for access to the records specified in subsection (6) (e.g. health, education or social services records) for or on behalf of an organisation specified in subsection (10) (e.g. a local authority) will also be engaged in controlled activity.
101. There is no overlap between the definitions of controlled activity and regulated activity relating to children. This is because subsection (2) provides an activity is a controlled activity relating to children only to the extent that it is not a regulated activity relating to children.
102. The section also allows for the definition of controlled activity in relation to children to be amended in the future.

#### ***Section 22: Controlled activity relating to vulnerable adults***

103. This section defines controlled activity relating to vulnerable adults. Broadly, this is activity in the health and social care sectors which is carried out frequently, or on three or more days in a 30-day period, and involves the opportunity for contact with vulnerable adults or access to vulnerable adults' health or social care records but is not regulated activity. This will include ancillary work in such sectors, such as cleaning, administrative work, etc. An activity is a controlled activity only to the extent that it is not a regulated activity. The section allows for the list of services (in relation to which controlled activity occurs) to be amended in the future.

#### ***Section 23 – Controlled activity: regulations***

104. This section provides for a power to make regulations as to the steps employers must take when engaging an individual in controlled activity. It is intended that the regulations will make it a requirement that employers: check individuals they intend to engage in controlled activity; ensure they are subject to monitoring (unless they

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are barred); and, if they decide to employ a barred person, that they put in place the necessary safeguards in order to minimise any potential risk. To ensure these requirements are appropriately enforced the regulations will make it a criminal offence for employers to fail to comply with them.