

*Status: Point in time view as at 10/09/2012.*

*Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Restriction of scope of regulated activities: children is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 7

#### SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

##### *Restriction of scope of regulated activities: children*

- 1 (1) Parts 1 and 3 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) (regulated activity relating to children and the period condition) are amended as follows.
- (2) In paragraph 1(1)(b) (frequency and period condition for regulated activity), at the beginning, insert “ except in the case of activities falling within sub-paragraph (1A), ”.
- (3) After paragraph 1(1) insert—
- “(1A) The following activities fall within this sub-paragraph—
- (a) relevant personal care, and
  - (b) health care provided by, or under the direction or supervision of, a health care professional.
- (1B) In this Part of this Schedule “relevant personal care” means—
- (a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),
  - (b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—
    - (i) toileting (including in relation to the process of menstruation),
    - (ii) washing or bathing, or
    - (iii) dressing,
  - (c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
  - (d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
  - (e) any form of training, instruction, advice or guidance which—
    - (i) relates to the performance of the activity of eating or drinking,

*Status: Point in time view as at 10/09/2012.*

*Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Restriction of scope of regulated activities: children is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (ii) is given to a child who is in need of it by reason of illness or disability, and
  - (iii) does not fall within paragraph (c), or
  - (f) any form of training, instruction, advice or guidance which—
    - (i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),
    - (ii) is given to a child who is in need of it by reason of age, illness or disability, and
    - (iii) does not fall within paragraph (d).
- (1C) In this Part of this Schedule —
- “health care” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,
- “health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.”
- (4) In paragraph 1(2)(c) (work activities at certain establishments to be regulated activity) for “any form of work (whether or not for gain)” substitute “ any work falling within sub-paragraph (2A) or (2B) ”.
- (5) After paragraph 1(2) insert—
- “(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—
- (a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and
  - (b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).
- (2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—
- (a) any such work which—
    - (i) is carried out on a temporary or occasional basis, and
    - (ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or
  - (b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (2C) The reference in sub-paragraph (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.”

---

*Status: Point in time view as at 10/09/2012.*

*Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Restriction of scope of regulated activities: children is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (6) Also in paragraph 1—
- (a) after sub-paragraph (6) insert—
    - “(6A) The exercise of a function of a controller appointed in respect of a child under Article 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) is a regulated activity relating to children.”
  - (b) omit sub-paragraph (7) (exercise of functions of persons mentioned in paragraph 4(1) to be regulated activity), and
  - (c) after sub-paragraph (12) insert—
    - “(13) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B) (b) or sub-paragraph (2B)(b) above is a regulated activity relating to children.”
- (7) In paragraph 2 (activities referred to in paragraph 1(1))—
- (a) in sub-paragraph (1) omit paragraph (d) (treatment and therapy provided for a child),
  - (b) in sub-paragraph (2)—
    - (i) for “, (c) and (d)” substitute “ and (c) ”, and
    - (ii) omit paragraph (d), and
  - (c) after sub-paragraph (3) insert—
    - “(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
    - (3B) Sub-paragraph (1)(b)—
      - (a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and
      - (b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
    - (3C) The references in sub-paragraphs (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.
    - (3D) Sub-paragraph (1)(c) does not include any legal advice.”
- (8) Omit paragraph 4 (list of persons referred to in paragraph 1(7)).
- (9) In paragraph 10(2) (the period condition) for “, (c) or (d)” substitute “ or (c) ”.

---

*Status: Point in time view as at 10/09/2012.*

*Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Restriction of scope of regulated activities: children is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

---

#### **Commencement Information**

- II** [Sch. 7 para. 1](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#)

**Status:**

Point in time view as at 10/09/2012.

**Changes to legislation:**

Protection of Freedoms Act 2012, Cross Heading: Restriction of scope of regulated activities: children is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.