

This Factsheet provides a summary of the main provisions of regulated activity relating to adults. It is intended as a general aid. It is not legal advice or guidance and does not cover all aspects of regulated activity relating to adults or cover all exceptions.

**Any frequency (even a one-off occurrence) of one of the following activities is regulated activity relating to adults.**

### Healthcare of an adult

- Health care provided to an adult by a health care professional or a person acting under the direction or supervision of a healthcare professional.
- A health care professional who is a person regulated by a professional healthcare regulator (i.e. a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002).
- Health care includes: all forms of health care provided for adults and includes physical, mental and palliative health care; diagnostic tests and investigative procedures; procedures similar to surgical or medical care, but not provided in connection with a medical condition; psychotherapy and counselling related to health care the adult is receiving; and first aid provided by a person for an organisation established for that purpose. (e.g. St John Ambulance).
- Excepted are: life coaching; first aid in a workplace; staff working in community pharmacies and opticians who are not health care professionals; and staff working in GP surgeries or dental practices who do not provide health care.

### Personal care of an adult

- Physical assistance with eating or drinking, toileting, washing or bathing, dressing, oral care or care of the skin, hair or nails provided for reasons of age, illness or disability. Excludes physical assistance provided to an adult in relation to the care of their hair when that assistance relates only to the cutting of the adult's hair.
- Prompting together with supervision when an adult for reason of age, illness or disability is otherwise unable to decide for

themselves in relation to any of the above personal care activities.

- Training, instruction, advice or guidance given to an adult for reasons of age, illness or disability in relation to any of the above personal care activities.

### Providing Social Work

The activities of regulated social workers in relation to adults who are clients or potential clients. Activities include assessing or reviewing the need for health or social care services and providing ongoing support to clients.

### Assistance with general household matters

Anyone who provides day to day assistance to an adult in running the adult's household because of the adult's age, illness or disability, where that assistance includes at least one of the following:

- Managing the person's cash;
- Paying the person's bills; or
- Shopping on their behalf.

### Assistance in the conduct of a person's own affairs

Anyone who provides assistance in the conduct of an adult's own affairs by virtue of:

- Lasting power of attorney under the Mental Capacity Act 2005
- Enduring power of attorney under the Mental Capacity Act 2005
- Being appointed as the adult's deputy under the Mental Capacity Act 2005
- Being an Independent Mental Health Advocate
- Being an Independent Mental Capacity Advocate
- Providing independent advocacy services under the National Health Service Act 2006 or National Health Service (Wales) Act 2006
- Receiving payments on behalf of that person under the Social Security Administration Act 1992

### Conveying

- Any driver and any assistant who transports an adult (including any carer) because of their age, illness or disability to or from places

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where they have received, or will be receiving, health care, relevant personal care or relevant social work, for the purpose of enabling the adult to receive that health care, personal care or social work;

- Or hospital porters; Patient Transport Service drivers or assistants; Ambulance Technicians or Emergency Care Assistants;
- Except licensed taxi drivers or licensed private hire drivers.

### Day to day management of regulated activity

Day to day management or supervision on a regular basis, of a person who is providing a regulated activity relating to adults is also regulated activity.

### Northern Ireland and Wales

Regulated activity relating to adults in Northern Ireland and in Wales also includes a number of office holders that are no longer in regulated activity in England. Further information is available on the DBS website.

### Other key exceptions to regulated activity relating to adults

#### Family and Personal Relationships

Excepted from regulated activity relating to adults is any activity conducted in the course of a family relationship, or a personal relationship between friends for no commercial consideration.

Family relationships include close family (e.g. parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family.

Personal, non-commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial relationship (for example, gifting a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.

#### Peer Groups

Excepted from regulated activity relating to adults is a person who is part of a peer group and is assisting or under the direction of a person who is engaging in regulated activity. For example a person at AA meetings.

#### DBS Check

An eligible organisation recruiting to a position (paid or unpaid) that falls within the definition of regulated activity relating to adults, may request an applicant to obtain an enhanced DBS Check with barred list check to help determine their suitability for the position, prior to engaging them. Eligible staff in post may also be re-checked to help confirm their ongoing suitability. Further information on eligibility for DBS Checks is available on the DBS website.

#### Definition of an Adult

An adult is a person aged 18 years or over.

#### Legislation and Guidance

Regulated activity relating to adults (vulnerable adults) is defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended). Further information is provided in the HM Government Factual Note on regulated activity relating to adults available from the DBS website.

#### Further Information

For more information please contact us:

**Website:** [www.gov.uk/db](http://www.gov.uk/db)

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