

Does your research specifically involve participants who are considered vulnerable?

The protected groups: children and vulnerable adults

The provisions of the Safeguarding Vulnerable Groups Act 2006 are intended to protect children and vulnerable adults. For these purposes they are defined as follows:

- A **child** is a person who is under 18 years of age (*section 60(1), SVGA 2006*).
- A **vulnerable adult** is a person who is:
 - 18 years old or over; and
 - the subject of **regulated activity**

Each of the following is a **regulated activity relating to adults**:

- The provision of health care by, or under the direction or supervision of, a health care professional.
- The provision of relevant personal care.
- A social care worker's provision of relevant social work to a client or potential client.
- The provision of assistance in relation to general household matters which is required by reason of age, illness or disability.
- The provision of any relevant assistance in the conduct of an adult's own affairs.
- The conveying of adults who need to be conveyed by reason of age, illness or disability by prescribed people in prescribed circumstances.

In addition, any activity which consists of or involves the day-to-day management or supervision of a person carrying out a regulated activity on a regular basis is itself a regulated activity in relation to vulnerable adults.

The definition of **regulated activity for adults** from 10th September 2012 identifies the activities provided to any adult which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time. The SVGA will no longer label adults as 'vulnerable' because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult receiving the activities.

This means, for example, anyone providing personal care to an adult is in regulated activity irrespective of whether that occurs in, say, a hospital, a care home, a day care centre, a prison or in sheltered housing.

There is no longer a requirement for a person to carry out the activities a certain number of times before they are engaging in regulated activity. Any time a person engages in the activities set out below, they are engaging in regulated activity.

Regulated activity continues to exclude any activity carried out in the course of family relationships, and personal, non-commercial relationships.

Is a DBS check required?

The DBS Checking Service

The DBS checks information:

- held on the Police National Computer (PNC), such as, convictions, cautions, reprimands and warnings in England, Wales and those recorded from Scotland. There is also some Northern Ireland conviction data held on PNC;
- held by local police forces relating to relevant non-conviction information;
- from the DBS' Children's Barred List;
- from the DBS' Adults Barred List.

Different activities/posts require different levels of DBS check:

Standard DBS Check

These apply to positions and professions exempted under the Rehabilitation of Offenders Act. Groups include those involved regularly with: children, young people, the elderly, sick or disabled, the administration of the law and other sensitive areas or positions of trust. Standard checks contain details of an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes 'spent' and 'unspent' convictions. These are shown on a criminal records check.

To be eligible for a standard level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced DBS Check

Enhanced checks are for posts that involve a far greater degree of contact with vulnerable groups including children. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people.

An enhanced check contains the same details as a standard check, together with any information held locally by police forces that a Chief Officer reasonably believes to be relevant to the post applied for and considers ought to be disclosed.

To be eligible for an enhanced level DBS check, the position must be included both in the ROA Exceptions Order and in Police Act Regulations.

Enhanced Disclosure + barred list check (child)

Enhanced Disclosure + barred list check (adult)

An enhanced check with information from the DBS's children's/ adults barred lists is only available for those individuals engaged in **regulated activity with vulnerable groups** and a small number of posts as listed in the Police Act Regulations.

It may be possible to proceed by way of a Status Check, where a recheck is required.

Status Check

The Disclosure and Barring Service has now introduced a Status check which allows organisations to see if any relevant information has been identified about the individual since their Certificate was last issued. This reduces the need to ask individuals to apply for multiple Certificates if they move from one job to another in the same workforce or when a recheck is required.

Organisations can carry out a quick online Status check to see if an individual's Certificate is still up to date – saving you both time and money.

The outcome of a valid Status Check will be one of the following:

- **This Certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the individual's Certificate contains no criminality or barring information and no new information is available.
- **This Certificate remains current as no further information has been identified since its issue.** This means that the individual's Certificate did contain criminality or barring information and no new information is available.
- **This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.** This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.