

SCHEDULES

SCHEDULE 2

REGULATED ACTIVITY

PART II

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

7.—(1) Each of the following is a regulated activity relating to vulnerable adults if it is carried out frequently by the same person or the period condition is satisfied—

- (a) any form of training, teaching or instruction provided wholly or mainly for vulnerable adults;
- (b) any form of care for or supervision of vulnerable adults;
- (c) any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults;
- (d) any form of treatment or therapy provided for a vulnerable adult;
- (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by vulnerable adults;
- (f) driving a vehicle which is being used only for the purpose of conveying vulnerable adults and any person caring for the vulnerable adults pursuant to arrangements made in prescribed circumstances;
- (g) anything done on behalf of a vulnerable adult in such circumstances as are prescribed.

(2) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting vulnerable adults, he has any function relating to—

- (a) monitoring the content of matter which forms any part of the service,
- (b) removing matter from, or preventing the addition of matter to, the service, or
- (c) controlling access to, or use of, the service.

(3) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (2)(b) or (c) unless he has—

- (a) access to the content of the matter;
- (b) contact with users of the service.

(4) An activity carried out in a residential care home or nursing home (for the purposes of the 2003 Order) which is exclusively or mainly for vulnerable adults is a regulated activity relating to vulnerable adults if—

- (a) it is carried out at the establishment frequently by the same person or the period condition is satisfied,
- (b) it is carried out by a person while engaging in any form of work (whether or not for gain),
- (c) it is carried out for or in connection with the purposes of the establishment, and

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(d) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with vulnerable adults.

(5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1) or (4) is a regulated activity relating to vulnerable adults.

(6) The exercise of the inspection functions of the Regulation and Improvement Authority is a regulated activity relating to vulnerable adults.

(7) Inspection functions are functions relating to the inspection of—

- (a) an HSS body,
- (b) an establishment in relation to which a requirement to register arises under Article 12 of the 2003 Order, or
- (c) an agency in relation to which such a requirement arises,

in so far as the inspection relates to personal social services, care, treatment or therapy provided for vulnerable adults by the body, establishment or agency.

(8) In sub-paragraph (7)(a) the reference to an HSS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

(9) The exercise of a function of a person mentioned in paragraph 8(1) is a regulated activity relating to vulnerable adults.

(10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

8.—(1) The persons referred to in paragraph 7(9) are—

- (a) member of an HSS body;
- (b) director of social services of a Health and Social Services Board ;
- (c) director of a Health and Social Services trust responsible for the delivery of personal social services;
- (d) charity trustee of vulnerable adults' charity;
- (e) member or chief executive or member of staff of IBB.

(2) A charity is a vulnerable adults' charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity relating to vulnerable adults.

(3) An individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this sub-paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.

9. The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.