



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Controlled activity

21 Controlled activity relating to children

- (1) A reference to a controlled activity relating to children must be construed in accordance with this section.
- (2) An activity which falls within any of subsections (3) to (7) is a controlled activity to the extent that it is not a regulated activity relating to children.
- (3) An activity falls within this subsection if—
 - (a) it consists in or is carried out in connection with any form of health care, treatment or therapy to which subsection (8) applies,
 - (b) it is carried out frequently by the same person or it is carried out by the same person on more than [^{F1}three] days in any period of 30 days, and
 - (c) it gives the person an opportunity mentioned in subsection (9).
- (4) An activity falls within this subsection if—
 - (a) it is carried out in a further education institution (within the meaning of section 140(3) of the Education Act 2002 (c. 32)),
 - (b) it is carried out frequently by the same person or it is carried out by the same person on more than [^{F1}three] days in any period of 30 days,
 - (c) it is carried out by the person while engaging in any form of work (whether or not for gain),
 - (d) it is carried out for or in connection with the purposes of the institution, and
 - (e) it gives the person the opportunity mentioned in subsection (9)(a).
- (5) An activity falls within this subsection if—
 - (a) it consists in making payments under section 17A of the Children Act 1989 (c. 41) [^{F2}or section 12A(1), or regulations under section 12A(4), of the National Health Service Act 2006,] or the provision of assistance either in connection with the making of such payments or securing the provision of services paid for out of them,

Status: Point in time view as at 01/10/2010. This version of this provision has been superseded.

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- (b) it is carried out frequently by the same person or it is carried out by the same person on more than [^{F1}three] days in any period of 30 days, and
 - (c) it gives the person the opportunity mentioned in subsection (9)(a).
- (6) An activity falls within this subsection if it is carried out as mentioned in subsection (10) frequently and it gives a person carrying out the activity the opportunity to have access to—
- (a) health, educational or social services records relating to children;
 - (b) information provided pursuant to [^{F3}section 72 of the Education and Skills Act 2008 relating to children];
 - (c) in the case of a person carrying out an activity mentioned in subsection (10) (b), records of family proceedings (within the meaning of section 8(3) of the Children Act 1989) held by the Children and Family Court Advisory and Support Service;
 - (d) in the case of a person carrying out an activity mentioned in subsection (10) (c), records of family proceedings (within the meaning of section 8(3) of the Children Act 1989) held by the [^{F4}Welsh Ministers].
- (7) An activity falls within this subsection if it consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity which falls within subsection (3), (4) or (6).
- (8) This subsection applies to health care, treatment or therapy which is provided for a child—
- (a) in pursuance of arrangements made by or under an enactment,
 - [^{F5}(aa) out of direct payments made under section 12A(1), or under regulations under section 12A(4), of the National Health Service Act 2006,]
 - (b) in an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14), [^{F6}...
 - (c) by an agency in relation to which such a requirement arises [^{F7}, or
 - (d) as an activity in respect of which a requirement to register arises under section 10 of the Health and Social Care Act 2008.]
- (9) The opportunities are—
- (a) opportunity to have any form of contact with children;
 - (b) opportunity to have access to the health records of children.
- (10) The activity is carried out—
- (a) for, or on behalf of, a local authority (in the exercise of its [^{F8}education functions or its] social services functions);
 - (b) for, or on behalf of, the Children and Family Court Advisory and Support Service;
 - (c) for, or on behalf of, the [^{F9}Welsh Ministers] (in the exercise of its functions under Part 4 of the Children Act 2004 (c. 31) (Welsh family proceedings));
 - (d) for, or on behalf of, the [^{F10}Qualifications and Curriculum Development Agency];
 - (e) for, or on behalf of, Her Majesty's Chief Inspector of Schools in England;
 - [^{F11}(ea) for, or on behalf of, the Welsh Ministers in the exercise of their functions under Part 10A, 11 or 12 of the Children Act 1989, Part 1, 2 or 3 of the Care Standards Act 2000 or section 15 of the Adoption and Children Act 2002;]
 - (f) for, or on behalf of, HM Chief Inspector of Education and Training in Wales;

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- (g) for, or on behalf of, an establishment or agency in respect of which a requirement to register arises under section 11 of the Care Standards Act 2000.
- [^{F12}(h) for, or on behalf of, a person in respect of whom a requirement to register in respect of any activity arises under section 10 of the Health and Social Care Act 2008.]
- (11) In this section—
- [^{F13}“education functions” has the meaning given by section 579(1) of the Education Act 1996;]
- “ educational records ” includes individual child information within the meaning of—
- (a) section 99 of Childcare Act 2006 (c. 21),
- (b) that section as modified by section 100 of that Act, or
- (c) section 101 of that Act;
- [^{F14} “local authority” has the meaning given by section 579(1) of the Education Act 1996;]
- “ social services functions ” has the meaning given by section 1A of [^{F15} the Local Authority Social Services Act 1970] ;
- “ social services records ” means records obtained or held by a local authority in the exercise of its social services functions.
- (12) The Secretary of State may, by order, amend subsections (2) to (11) (including by adding new subsections or omitting or varying any of the subsections or anything contained in them).

Textual Amendments

- F1** Word in s. 21(3)(4)(5) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#) , arts. 1(1) , **11**
- F2** Words in s. 21(5)(a) inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#) , s. 40(1) , **Sch. 1 para. 14(2)**; S.I. 2010/30, art. 2(b)
- F3** Words in s. 21(6)(b) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#) , s. 173(4) , **Sch. 1 para. 89**; S.I. 2008/3077, art. 4(g)
- F4** Words in s. 21(6)(d) substituted (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#) , arts. 1(1) , **30(a)**
- F5** S. 21(8)(aa) inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#) , s. 40(1) , **Sch. 1 para. 14(3)**; S.I. 2010/30, art. 2(b)
- F6** Word in s. 21(8)(b) omitted (1.10.2010) by virtue of [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#) , **art. 19(4)(a)(i)**
- F7** S. 21(8)(d) and word inserted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#) , **art. 19(4)(a)(ii)**
- F8** Words in s. 21(10)(a) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , art. 1 , **Sch. 2 para. 62(2)(a)**
- F9** Words in s. 21(10)(c) substituted (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#) , arts. 1(1) , **30(a)**
- F10** Words in s. 21(10)(d) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#) , s. 269(4) , **Sch. 12 para. 43** ; S.I. 2010/1151 , art. 2 , Sch. 1

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- F11** S. 21(10)(ea) inserted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **28**
- F12** S. 21(10)(h) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 19(4)(b)**
- F13** Words in s. 21(11) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 62(2)(b)**
- F14** Words in s. 21(11) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 62(2)(c)**
- F15** Words in s. 21(11) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 62(2)(d)**

Commencement Information

- I1** S. 21 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(e)(2)**
- I2** S. 21 in force at 12.10.2009 for specified purposes by S.I. 2009/2611, art. 2, **Sch.**
- I3** S. 21 in force at 30.3.2010 in so far as not already in force by S.I. 2010/1101 , **art. 3**

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