

Regulated Work With Protected Adults

A protected adult is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service.

An individual may be doing regulated work with adults if their work involves any of the following activities (as part of their normal duties):

- Caring for protected adults.
- Teaching, instructing, training or supervising protected adults.
- Being in sole charge of protected adults.
- Providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training.
- Inspecting adult care services (including inspecting any premises used for the purposes of providing such services)

There are four categories of services receipt of any one of which makes an individual a protected adult:

1. Registered care services

A service by a person carrying on:

- (a.) a support service,
- (b.) an adult placement service,
- (c.) a care home service, or
- (d.) a housing support service.

2. Health services

A service provided or secured by a public health body concerning the treatment, care and support of, and provision of advice and assistance to individuals in relation to health and well-being, or similar services provided by an independent health care service provider.

3. Community care services

Social work and mental health services provided or secured by a council, or self-directed support paid for by a council.

4. Welfare services

A welfare service includes any service which provides support, assistance, advice or counselling to individuals with particular needs, meeting the following conditions. The service must be a service that:

- (a.) is provided in the course of work to one or more persons aged 16 or over,
 - (b.) is delivered on behalf of an organisation,
 - (c.) requires training to be undertaken by the person delivering the service,
 - (d.) has a frequency and formality attached to the service, and
- either
- (i.) requires a contract to be agreed between the service provider and the recipient of the service prior to the service being carried out,
- or
- (ii.) is personalised to an individual adult's needs.

More about welfare services

In order to qualify as a welfare service, the service must include all the mandatory elements (a) to (d) above and, in addition, one or other of the elements in (e).

With regard to “training” (paragraph (c)), this test may be met by training which is not specialist or related to a professional qualification. As a matter of good practice, organisations asking their workers to provide welfare services should ensure that those workers have, at the very least, some basic training. For example, an organisation should train their workers to ensure that the worker is aware of:

- the worker’s duties;
- the client’s needs;
- the standards of conduct, any code of practice or statutory duties;
- how to escalate any concerns; and
- where to turn for advice or guidance.

A “frequency and formality attached to the service” (paragraph (d)) means that the worker delivering the service should not be merely doing so on an informal, unforeseen or ad hoc basis.

Particular needs

Note that the service must be also provided to individuals with particular needs. Particular needs are those over and above the general needs that any individual might have. For example, the need for regular meals is a general need (everyone needs this) but the need for assistance in preparing meals is a particular need (only some people with, e.g. a disability, need that assistance). Similar arguments apply to: (for example) personal care, washing, cleaning, access to shops, services and social contact. Everybody shares the need for these things, but some individuals (with particular needs) require specific assistance with them.

Other considerations

Most adults are likely to be a protected adult at some time in their lives, for example receiving treatment in hospital or receiving care in later life. But an individual is only a protected adult at the time they receive the service. For example, care home residents are protected adults at all times when they are in their care home. But other adults will only be protected for limited periods, for example, while receiving dental treatment.

This means that any services which are provided at times other than when the worker is present are not relevant to determining whether that worker is doing regulated work with adults. So there is no need to ask the adult any intrusive questions about their circumstances. For example, care home residents are protected adults at all times when they are in their care home, so any individual in contact with them is in contact with protected adults whatever the individual is doing. However, a person receiving outpatient chemotherapy is not a protected adult as a result of the treatment when they are not receiving that health service. So, for example, an individual providing other services to this person outside of the hospital context does not need to know about their outpatient chemotherapy to assess whether they are doing regulated work with adults or not.