**Regulated Roles With Protected Adults**

An individual may be in a regulated role involving contact with protected adults if their work involves any of the following **activities** (as part of their normal duties):

* Teaching, instructing, training or supervising protected adults
* Providing advice or guidance to a protected adult in relation to education, training or employability
* Practising with protected adults as a registered medical practitioner, nurse, health visitor, midwife chiropractor, dentist, dental care professional, optometrist or dispensing technician, osteopath, pharmacist, pharmacy technician, anaesthesia associate, physician associate or in a profession under the Health and Care Professions Council
* Being in charge of protected adults
* Having responsibility for the safety and welfare of protected adults
* Providing counselling, therapy or advice, guidance or advocacy support in relation to health or wellbeing to protected adults
* Providing cultural, leisure, social or recreational activities for protected adults
* Coaching protected adults in relation to sports or physical activity
* Providing religious activities or services for protected adults

If there is the opportunity for unsupervised contact with protected adults:

* Carrying out an activity in a hospital, hospice, care home, day care centre or adult placement setting

**A protected adult is defined as an individual aged 18 or over who:**

* by reason of **physical or mental disability, illness, infirmity or ageing** either has an impaired ability to protect themselves from physical or psychological harm *or* requires assistance with the activities of daily living
* is **homeless**, as is defined by section 24 of the Housing (Scotland) 1987 and is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing from the PVG applicant
* has experienced, is experiencing or is at risk of experiencing **domestic abuse** and is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing from the PVG applicant
* is receiving a prescribed **health service** from one or more of:
  + a registered medical practitioner
  + a registered nurse, midwife or health visitor
  + a chiropractor registered with the General Chiropractic Council
  + a dentist or dental care professional registered with the General Dental Council
  + an optometrist or dispensing technician registered with the General Optical Council
  + an osteopath registered with the General Osteopathic Council
  + a pharmacist or pharmacy technician registered with the General Pharmaceutical Council
  + a professional registered with the Health and Care Professions Council
  + an anaesthesia associate or physician associate registered with the General Medical Council
* is receiving a prescribed **community care service** provided or secured by a council under the Social Work (Scotland) Act 1968 or the Mental Health (Care and Treatment) (Scotland) Act 2003 and
  + - are being supported to live independently, including providing personal care services, food preparation or recreational services, or providing counselling, OR
    - are being provided with therapy, advice, guidance or advocacy support in relation to health or wellbeing to protected adults

**Normal Duties**

The activity must be something that is a necessary part of the individual’s role and can include tasks that the individual:

* is expected to do as part of their post on an ongoing basis (e.g. it’s listed in their job description) **or**
* can reasonably be anticipated as being part of carrying out their role **or**
* carries out regularly (i.e. not on an ad hoc basis) **or**
* is designated to do as part of a pool of people who are specifically available for a role that includes a regulated activity

Normal duties do not include when something is:

* done in response to an emergency (unless by an emergency worker)
* arranged at the last minute to stand in at short notice for sickness or other unexpected absence of another worker
* done as a one-off activity of short duration which is not part of the individual’s normal routine or occupation

No particular frequency for undertaking the work or duration of work is specified. This will depend on the context of the role. An annual event could be part of someone’s normal duties as long as it is reasonably anticipated as part of the role

**Incidental Activity**

An activity is likely to involve incidental contact (and be excluded from being considered a regulated role) when it is:

* open to all, which could be indicated by the location of an event, where it’s advertised and what the admission policy is
* attractive to a wide cross section of society
* optional to attend
* not involving contact with protected adults as part of the role but they are in the general vicinity

Contact is likely to be considered as more than incidental when an activity:

* is targeted at protected adults
* is part of a service intended to be for protected adults
* is positioned or presented to be more attractive to protected adults than others or
* has mandatory attendance

When deciding if contact is incidental, it should be considered is whether it could be reasonably foreseen that protected adults would attend. Whether an activity is incidental or not is about whether the purpose and intended client group relates to protected adults.

**Line Managers**

An individual is also in a regulated role if they are a day-to-day supervisor or line manager of someone doing regulated work. This is the case even if the supervisor or manager does not carry out the activity themselves.

A position is likely to include day-to-day supervision or management of an individual where the post holder:

* is responsible for the management, supervision, appraisal, training and immediate welfare of the individual
* meets regularly with the individual to discuss and review the individual's work
* is directly responsible for holding the individual carrying out regulated activity responsible for any failing in respect of the individual’s work