

Following an enquiry regarding the changes introduced under the Protection of Freedoms Act (which affects England, Wales, Northern Ireland, Jersey, Guernsey and the Isle of Man, but not Ireland or Scotland) regarding Father Christmas, I am providing the following guidance.

The new definition of Regulated Activity relating to children is set out in three parts by The Protection of Freedoms Act. A person can be in Regulated Activity because of what they do (activities), where they work (establishments) or who they are (specified position).

The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

- i. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;
- ii. Work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers;
- iii. Relevant personal care; care, for example washing or dressing; or health care by or supervised by a professional;
- iv. Registered child minding and foster parents;
- v. Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.

Work under (i) or (ii) is regulated activity only if done 'regularly' - if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.

Scenario 1

A member plays Father Christmas in a school where a member of the teaching staff is supervising the activity.

- The member is not in regulated activity.
- There is no eligibility for the member to have a CRB check.
- The Head Teacher should put safeguards in place to ensure that Father Christmas is supervised as per the DfE guidance which can be found at <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring>.
- The law does not place on the school a duty to require an enhanced criminal records check, but the school is entitled to do so (but not a check on the barring lists).

Scenario 2

A member plays Father Christmas in a school which does not provide supervision by a member of the teaching staff.

- This is a regulated activity - the member is not supervised, and is in a specified place.
- The member must have a CRB check which includes a check on the Child barring list.
- The Club must undertake a risk assessment which is agreed by the Head Teacher.

Scenario 3

A member plays Father Christmas in a Grotto (closed off environment (indoor or outdoor) which may or may not have windows) provided by a commercial or voluntary organisation (e.g. Garden Centre; Store; Shopping Mall; etc.).

- The member is not in a regulated activity (supervising children) as it is not in a specified place, and does not meet the definition of activities relating to children.
- There is no eligibility for the member to have a CRB check.
- Father Christmas is advised to have a helper (e.g. a Mummy Christmas who is not related).
- The law does not place on the organisation a duty to require an enhanced criminal records check, but the organisation or event organiser is entitled to do so (but not a check on the barring lists).

Scenario 4

A member plays Father Christmas in an open plan area (indoors or outdoors) provided by a commercial or voluntary organisation (e.g. Garden Centre; Store; Shopping Mall; event run by a voluntary organisation; etc.) which is in use by families.

- The member is not in a regulated activity (supervising children) as it is not in a specified place, and does not meet the definition of activities relating to children.
- There is no eligibility for the member to have a CRB check.
- Father Christmas is advised to have a helper (e.g. a Mummy Christmas who is not related).
- The law does not place on the organisation a duty to require an enhanced criminal records check, but the organisation or event organiser is entitled to do so (but not a check on the barring lists).

Scenario 5

A member plays Father Christmas travelling around a town or housing estate in a vehicle dressed up as a sleigh – with other volunteers collecting donations from families.

- The member is not in a regulated activity (supervising children) as it is not in a specified place, and does not meet the definition of activities relating to children..
- There is no eligibility for the member to have a CRB check.