Updated statutory guidance: supervision and regulated activity

The DfE has updated the statutory guidance on the supervision of activity with children which would be regulated activity if carried out unsupervised. The guidance applies to schools and other settings working with children and should inform decisions about the supervision of relevant workers and volunteers.

Schools should ensure they are familiar with the statutory guidance relating to the supervision of activity with children which would be regulated activity if carried out unsupervised. The guidance applies to schools and should inform decisions about arrangements for relevant workers and volunteers.

Where your school is relying on supervision so that an individual's work is not regulated activity, three important requirements must be met:

- the individual must be supervised by a person who is themselves in regulated activity;
- supervision must be regular and day to day; and
- the level of supervision must be “reasonable in all the circumstances to ensure the protection of children.”

Supervision must also be ongoing. It should not be intensive when somebody first starts and then reduce to the point where supervision becomes the exception rather than the rule.

When deciding what constitutes reasonable supervision in your setting, you should consider the circumstances of the individual role. This includes the age and number of children involved, their vulnerability, the nature of the work and opportunity for contact with children, whether other staff are present, and how many individuals each member of staff is expected to supervise.

Important distinction for schools

The guidance makes an important distinction between paid workers and volunteers. In a specified place such as a school, a paid worker remains in regulated activity even if they are supervised.

Where you are considering whether a supervised volunteer is undertaking regulated activity, you should consider whether:

1. the work would be regulated activity if it were carried out unsupervised;
2. the volunteer is supervised by someone who is themselves in regulated activity;
3. that supervision is regular and day to day; and
4. the supervision is reasonable in all the circumstances to ensure the protection of children.

Please read the guidance sent out with the education briefing. Headteachers and DSLs should review current arrangements for supervised volunteers and relevant workers and satisfy themselves that any supervision being relied upon meets the statutory requirements.