

# KCSIE 2026, Regulated Activity, DBS Eligibility and Safer Recruitment – Briefing Note

September 2026

# Southwark Schools HR Briefing Note

**Audience:** Headteachers, School Business Managers, Designated Safeguarding Leads (DSLs), Governors, Recruitment Managers and School HR Leads

**Issued by:** Schools HR

**Effective from:** September 2026

## 1. Purpose

This briefing provides a summary of:

- Key safeguarding changes within KCSIE 2026
- Changes to regulated activity introduced through the Crime and Policing Act 2026
- DBS eligibility requirements
- The removal of the volunteer supervision exemption
- Implications for schools, volunteers and recruitment practice
- Actions schools should take before the start of term

The guidance should be read alongside:

- Keeping Children Safe in Education (KCSIE) 2026
- DBS Regulated Activity Guidance
- Local Safer Recruitment Procedures

## 2. Key Message for Schools

The most significant staffing and recruitment change within KCSIE 2026 is the removal of the long-standing supervision exemption from regulated activity.

This means that where volunteers are carrying out activities that meet the definition of regulated activity, schools can no longer rely on supervision arrangements to remove the requirement for a Children's Barred List check. The role itself must now be considered against the regulated activity criteria.

Schools should review all volunteer arrangements by the start of the academic year.

## 3. What is Regulated Activity?

Regulated Activity is work that a person barred from working with children must not undertake.

A role is likely to be regulated activity if it involves:

- Teaching children
- Training children
- Instructing children
- Caring for children
- Supervising children
- Providing advice or guidance regarding a child's wellbeing
- Working regularly in a school with the opportunity for contact with children
- Providing personal care or healthcare to children

Where a role is regulated activity, schools are eligible to request an:

**Enhanced DBS Check with Children's Barred List Information**

#### 4. What Does "Regularly" Mean?

For most activities, regulated activity applies where the activity is undertaken:

- Once a week or more;
- Four or more days within a 30-day period; or
- Overnight between 2am and 6am where there is an opportunity for face-to-face contact with children.

#### 5. What Was the Supervision Exemption?

Prior to KCSIE 2026, some volunteers carrying out regulated activity-type duties could fall outside the legal definition of regulated activity if they were:

- Supervised on a day-to-day basis;
- Supervised regularly; and
- Supervised by someone already undertaking regulated activity.

This was known as the supervision exemption.

For example:

##### **Before September 2026**

A volunteer reading with pupils every week may have been considered:

- Supervised by the class teacher;
- Not undertaking regulated activity; and therefore
- Not eligible for a Children's Barred List Check.

#### 6. What Has Changed?

KCSIE 2026 confirms that the Crime and Policing Act 2026 has removed the supervision exemption from regulated activity.

The former Annex relating to supervision has therefore been removed from KCSIE. The regulated activity section and volunteer guidance have been rewritten to reflect this legislative change.

## **7. What this means**

Schools can no longer assume that supervision removes a volunteer from regulated activity.

Instead, schools must determine:

- What activities the volunteer undertakes.
- Whether those activities meet the regulated activity definition.
- Whether the activity is undertaken regularly.

If the answer is yes, the volunteer is likely to require the same level of safeguarding checks as paid staff undertaking equivalent duties.

## **8. Which Volunteer Roles May Now Be Affected?**

Schools should review volunteer roles such as:

- Classroom volunteers
- Reading volunteers
- Volunteer learning support assistants
- Sports volunteers
- Coaching volunteers
- Mentoring volunteers
- Faith group volunteers
- Duke of Edinburgh volunteers
- Educational visit volunteers
- Lunchtime volunteers
- Activities club volunteers

Many of these roles may previously have relied upon the supervision exemption when determining DBS eligibility.

## 9. How to Assess DBS Eligibility

A DBS decision should never be based solely on a job title.

Schools should assess the duties being undertaken.

### Step 1: Is the individual working with children?

If no, regulated activity will not normally apply.

If yes, move to Step 2.

### Step 2: What activity is being undertaken?

Ask:

Does the individual regularly:

- Teach?
- Train?
- Instruct?
- Care for?
- Supervise?
- Provide wellbeing advice?
- Provide personal care?
- Provide healthcare?

If yes, continue to Step 3.

### Step 3: Is the activity regular?

Regular means:

- Weekly or more frequently;
- Four or more days within a 30-day period; or
- Overnight.

If yes, regulated activity is likely to apply.

### Step 4: Is the person working in a specified establishment?

Schools are specified establishments under the legislation. A person working regularly in a school with the opportunity for contact with children may be undertaking regulated activity.

## Step 5: Determine the Appropriate DBS Check

| Nature of Role                                     | Possible DBS Position                       |
|----------------------------------------------------|---------------------------------------------|
| Regulated Activity                                 | Enhanced DBS + Children's Barred List Check |
| Not Regulated Activity but eligible workforce role | Enhanced DBS without Barred List            |
| Non-eligible role                                  | No DBS entitlement                          |

Where uncertainty exists, contact Schools HR before submitting an application.

## 10. Examples

### Example 1: Reading Volunteer

Visits every Monday morning and hears pupils read independently.

**Outcome:** Likely regulated activity.

**Check:** Enhanced DBS with Children's Barred List Check.

### Example 2: Parent Volunteer on Sports Day

Helps for one afternoon each year.

**Outcome:** Not regular activity.

**Check:** Normally no regulated activity assessment required.

### Example 3: Volunteer Mentor

Meets pupils weekly throughout the year.

**Outcome:** Likely regulated activity.

**Check:** Enhanced DBS with Children's Barred List Check.

### Example 4: Emergency Plumbing Contractor

Attends school occasionally to undertake repairs.

**Outcome:** Usually not regulated activity.

**Check:** Assess level of contact and supervision arrangements.

## 11. Personal Care and Healthcare

Schools should remember that some activities are regulated activity regardless of frequency.

These include:

- Toileting support
- Intimate care
- Washing
- Dressing
- Feeding where support is needed due to disability, illness or age
- Certain healthcare activities provided by, or under the supervision of, healthcare professionals. [\[assets.pub...ice.gov.uk\]](#)

This is particularly relevant for SEND settings and specialist provision.

## **12. Other Important KCSIE 2026 Changes**

### **12.1 Safer Recruitment**

Part Three has been rewritten to:

- Clarify regulated activity.
- Reflect the removal of supervision exemptions.
- Strengthen volunteer requirements.
- Clarify visitor categories.
- Update DBS eligibility guidance.
- Update references to "Check a Teacher's Record".

Schools should review recruitment procedures and volunteer policies.

### **12.2 Duty to Refer**

KCSIE now strengthens expectations regarding referrals involving volunteers as well as employees.

Schools must consider a DBS referral where an individual:

- Has harmed a child, or
- Posed a risk of harm to a child,

and has been removed from regulated activity or would have been removed had they not left employment or volunteering.

### **12.3 Designated Safeguarding Lead Cover**

New expectations require schools to have robust DSL cover arrangements.

Examples include:

- Deputy DSL arrangements.
- Shared safeguarding mailboxes.
- Clear escalation processes.

## 12.4 Information Sharing

KCSIE 2026 includes expanded expectations regarding:

- Information sharing.
- Record keeping.
- Risk assessment.
- Multi-agency working.

Schools should ensure safeguarding decisions are documented clearly.

## 12.5 AI and Online Safety

KCSIE 2026 introduces guidance on:

- Generative Artificial Intelligence (AI).
- Online safety risks.
- Safe use of technology.

Schools should review policies and staff awareness training accordingly.

### Schools HR Support

Schools HR recommends that all schools review volunteer arrangements as a priority in September.

If you are unsure whether a role constitutes regulated activity, or what level of DBS check is appropriate, please contact Schools HR before advertising, appointing, deploying a volunteer or submitting a DBS application.

Early advice will help ensure compliance with KCSIE 2026, safeguarding legislation and DBS eligibility requirements.

## **Top Five DBS Mistakes Schools Should Avoid**

### **1. Assuming supervision removes regulated activity**

This is no longer the case for volunteers undertaking regulated activity.

### **2. Basing DBS decisions on job titles**

Always assess actual duties.

### **3. Treating all volunteers the same**

Each role requires individual assessment.

### **4. Requesting Barred List checks where there is no legal entitlement**

Schools must ensure eligibility exists before applying.

### **5. Forgetting DBS referral duties**

Resignation does not remove the duty to consider a DBS referral.

## **Actions for Schools when the term starts**

### **Recruitment**

- ☐ Review safer recruitment procedures.
- ☐ Update recruitment managers on KCSIE 2026 changes.
- ☐ Review DBS eligibility decision-making.

### **Volunteers**

- ☐ Audit all volunteer roles.
- ☐ Reassess any role previously relying on supervision exemption.
- ☐ Obtain appropriate DBS and Barred List checks where required.

### **Safeguarding**

- ☐ Review safeguarding and child protection policies.
- ☐ Confirm DSL cover arrangements.
- ☐ Review Single Central Record compliance.
- ☐ Refresh safeguarding and recruitment training.

## References and Sources

- Keeping children safe in education 2026 (comes into force from 1 September 2026)  
(Includes Annex C Summary of Changes)
- DBS: Regulated activity with children in England and Wales
- DfE: Scope Regulated Activity in Relation to Children: Scope
- DfE: Supervision of Activity with Children which is Regulated Activity when Unsupervised  
(historic guidance)
- DBS Eligibility Guidance and Checker

## DBS Regional Outreach Team

### The DBS Regional Outreach service - GOV.UK

- Support available for:
  - Regulated activity queries
  - DBS eligibility decisions
  - Children's Barred List checks
  - Volunteer arrangements
  - Referral obligations
  - Safer recruitment advice
- Generic Email: [dbsregionaloutreach@dbb.gov.uk](mailto:dbsregionaloutreach@dbb.gov.uk)

Greater London and Channel Islands    Kiranpreet Rehal    [kiranpreet.rehal@dbb.gov.uk](mailto:kiranpreet.rehal@dbb.gov.uk)

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## Southwark contacts

Please contact [schoolshr@southwark.gov.uk](mailto:schoolshr@southwark.gov.uk) and/or the Safeguarding in Schools Team.