

Supervised no longer means exempt

The DBS change every organisation with child-facing volunteers must act on before 1 September

12 August 2026

From 1 September 2026, a long-standing shortcut in the law disappears. Volunteers who work closely and regularly with children under the eye of a member of staff have, until now, sat outside the definition of *regulated activity* precisely because they were supervised. That carve-out is being removed. For a great many of the schools, nurseries, sports clubs, faith settings and charities we support, it means volunteers who have never needed the highest level of check will now require one, and the organisations relying on them carry the duty to get it right.

IN SHORT

- **What is changing.** From 1 September 2026 the supervision exemption is removed. A volunteer supervised by staff can no longer be kept below the barred-list threshold on that basis alone.
- **Who is caught.** Supervised volunteers who work with children frequently, meaning once a week or more, or on more than three days in any thirty-day period, or overnight between 2am and 6am. They will now need an enhanced DBS check with children's barred list information.
- **Who is not.** Paid staff, whose position is unchanged, and genuinely occasional helpers who fall below those thresholds.
- **The catch most people miss.** The thirty-day count follows the person across all the settings they help in, not each setting separately.
- **What to do now.** Map your child-facing volunteers, work out who now crosses the threshold, and start their checks early to avoid the back-to-school queue. NEREO can process these for you.

WHAT IS ACTUALLY CHANGING

The change comes from the **Crime and Policing Act 2026**, which acts on a recommendation of the Independent Inquiry into Child Sexual Abuse. It removes what is commonly called the supervision exemption from the definition of regulated activity with children. Put simply, whether a volunteer was supervised used to be the deciding factor that kept certain roles below the barred-list threshold. From September, supervision stops being that deciding factor.

Under the old rule, an unpaid helper teaching, training, instructing, caring for or supervising children was not in regulated activity so long as a person who was themselves in regulated activity, a class teacher, for example, oversaw them. Once the exemption goes, that same activity counts as regulated activity in its own right, and everyone doing it becomes eligible

for the **highest level of check the DBS issues: an enhanced check with children's barred list information.**

Two tests decide whether a supervised volunteer is caught. The activity has to be either frequent, meaning it is carried out by the same person once a week or more, or it has to satisfy the period condition. The period condition is met where the activity takes place on more than three days in any thirty-day window, or overnight, which the guidance defines specifically as any activity between 2am and 6am. Meet either test and the volunteer is in regulated activity, and a barred-list check is not optional but required.

Particular points of note. Once a role is regulated activity, it becomes a criminal offence for a barred person to do it, and an offence for an organisation to knowingly take them on. A fresh legal duty to refer also comes into play: if a volunteer is removed for harming a child, or posing that risk, the organisation must refer them to the DBS. This is safeguarding law, not administrative housekeeping.

WHO THIS REACHES, AND WHO IT DOES NOT

The group squarely in scope are **supervised volunteers**, which is the very group the old exemption existed to cover. Paid staff who work closely with children were already in regulated activity whether supervised or not, so their position does not move. Neither does the position of the genuinely occasional helper: a parent lending a hand at a single summer fair or a one-off PTA evening will not meet the frequency or period tests, and so will not need the barred-list check, though an organisation may still ask them to obtain a standard or enhanced check without it.

It would be a mistake to read this as a schools-only matter. Anywhere an unpaid adult has regular, hands-on contact with children is potentially affected, and this will reach across early years and childcare, out-of-school and youth provision, sports coaching, uniformed and faith groups, heritage and cultural settings, and the wider charity sector. If your organisation leans on volunteers around children with any regularity, the safe assumption is that some of them are now in scope.

A handful of details deserve particular attention, because they are where good-faith organisations most often slip:

- **The thirty-day count follows the person, not the premises.** A volunteer who helps four days a month spread across two or three different settings still meets the period condition, because the days are counted together and not setting by setting. Where organisations share the same volunteers, they need to talk to one another and agree who initiates the check.
- **An overnight stay settles the question on its own.** Any volunteer supporting a residential visit or overnight trip is brought into regulated activity by that alone, regardless of how infrequently they otherwise help.
- **Eligibility is a ceiling, not a default.** The barred-list check applies once a volunteer is in regulated activity. Below that threshold, an organisation can still choose to request a standard or enhanced check where it is eligible to, but must not demand the highest level for a role that does not warrant it.
- **The fee waiver is not a free pass on cost.** Volunteers do not pay the government's own DBS fee for standard, enhanced or enhanced-with-barred-list checks. The application

still has to be submitted through your umbrella body however, and that submission will attract an administration fee. It is worth budgeting for.

The common thread is that the rules reward precision. The risk this change creates is rarely a missing signature; it is a *misjudged threshold*, an activity wrongly assumed to fall short, a volunteer whose days across settings were never added up, an overnight trip nobody flagged. Get the eligibility judgement right and the process largely follows.

WHAT TO DO BEFORE 1 SEPTEMBER

For anyone holding safeguarding, HR or volunteer-management responsibility, this is best treated as a live risk assessment with a fixed deadline, rather than a note to file. We would suggest five practical steps:

- **Map your volunteers.** List everyone currently volunteering with children under supervision, and work through whether their activity will meet the frequency or period tests from September. This roster is the foundation for everything that follows.
- **Untangle the shared ones.** Where volunteers divide their time between settings, establish now who owns the DBS process for each person and how you will share the necessary information, so nobody is missed and nobody is checked twice over.
- **Build in processing time.** Enhanced checks with barred-list information take time, and that time stretches during the back-to-school peak when demand is heavy. Starting early is the single most effective way to avoid a bottleneck.
- **Refresh your safeguarding documentation.** Trustees and senior leaders will reasonably expect evidence that this change has been assessed and acted on, not merely acknowledged. A short record of what you found and what you did will serve you well.

THE PRINCIPLE BEHIND IT

Set the mechanics aside for a moment and the intent is straightforward, and to our mind, right. **A child's safety should not hinge on whether the adult beside them happens to be paid or unpaid.** The supervision exemption left open the possibility that a barred individual could work closely and regularly with children provided somebody was nominally overseeing them. Closing that gap is a sensible correction, and one the Inquiry into Child Sexual Abuse expressly called for.

Sensible law still has to be implemented carefully, though, and that is where the effort now sits. The organisations that come through this well will be the ones that treat the coming weeks as a genuine safeguarding review rather than a paperwork exercise, and that plan for the practical consequence: a real rise in the number of enhanced checks with barred-list information flowing through their chosen body, at exactly the point in the year when processing is already under most strain.

This briefing summarises our understanding of the Crime and Policing Act 2026 changes and the accompanying DfE and DBS guidance for member organisations. It is general information, not legal advice on any individual role. Where an eligibility question turns on specific facts, organisations should check the current GOV.UK guidance and, where needed, seek advice from the DBS or NEREO before acting.