



# **Making Referrals to Disclosure Scotland**

## **scottishathletics Policy**

May 2024

V1

## Making Referrals to Disclosure Scotland

### Background to the Policy

The Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act) is in place to make sure unsuitable individuals cannot work voluntarily or paid in a regulated role with children or protected adults. A key part to this process working correctly is for organisations to pass on information to Disclosure Scotland when they identify an unsuitable individual within their organisation.

When a volunteer or member of staff is permanently removed from a regulated work position, there are certain circumstances where our organisation must notify the Protection Unit at Disclosure Scotland that this has happened.

Passing on information to Disclosure Scotland is called 'making a referral'.

### When We Will Refer to Disclosure Scotland

#### Two conditions must be met before a referral can be made.

**Condition 1** - The individual was permanently removed/removed themselves from regulated work.

**Condition 2** - At least 1 of the following 5 grounds apply, the individual:

- Caused harm to a child or protected adult
- Placed a child or protected adult at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Gave inappropriate medical treatment

If we would have permanently removed an individual, the actions detailed in this policy will continue to apply even if a member of staff or volunteer leaves their regulated work position prior to any action being taken, irrespective of the reason that they leave.

When both of these conditions have been met, it is a legal requirement that we make a referral within 3 months of the permanent removal of the individual or within 3 months of the date that the individual would have been permanently removed had they not left.

The 3-month period to submit referrals to Disclosure Scotland is a legal requirement, regardless of any dismissal appeals or appeal periods etc. Even where an individual appeals against a decision of permanent removal from regulated work, the 3-month period begins on the date of the decision to either dismiss or permanently remove them.

Where there is a historical allegation of harm or inappropriate behaviour about someone who is no longer in regulated work with us but which we believe would, in all probability, have led to the 2 conditions being met, we will consider whether we want to make a referral, but the legal responsibility applies only after 28 February 2011 when PVG was first introduced.

## Making Referrals to Disclosure Scotland

### **Submitting a referral**

All referrals to Disclosure Scotland are the responsibility of **scottishathletics**.

This process will be carried out by **scottishathletics** Welfare Officers. In their absence, the referral process will be carried out by the **scottishathletics** CEO.

Once a referral is submitted, Disclosure Scotland will then use this information to help them decide if someone remains suitable to continue to undertake regulated work (with children/adults/both) or if they should be removed from regulated work.

### **scottishathletics Affiliated Club Responsibility**

Failure to make a referral where required, may result in **scottishathletics** being prosecuted.

It is therefore essential that clubs understand their responsibility in this process.

Any situations as outlined above, including any action being taken by the club, must be reported to **scottishathletics** [welfare@scottishathletics.org.uk](mailto:welfare@scottishathletics.org.uk) immediately, even when the circumstances take place out with the club environment.