

Policy on 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 or volunteer with children or protected adults (in regulated work). 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.

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

Organisations such as athletics clubs have a legal obligation to pass information to Disclosure Scotland (make a referral) about an unsuitable individual when the individual who has been doing regulated work (paid or volunteering) meets both of the following criteria:

- The individual doing regulated work has done something to harm a child or protected adult, and;
- The impact is so serious that the individual is removed from the regulated work

What do we mean by harm?

Harm is when an individual who is doing regulated work, does any of the following:

- Harms a child or protected adult
- Places a child or protected adult at risk of harm
- Engages in inappropriate conduct involving pornography
- Engages in inappropriate conduct of a sexual nature involving a child or protected adult
- Gives inappropriate medical treatment to a child or protected adult

This may include behaviour which occurs out-with the person's work / volunteering with any club.

What do we mean by removed?

- Dismissed the individual from their paid or volunteering position, or

- Moved the individual to a new paid or volunteering post that is not a regulated work position
- Reached a decision that we would have dismissed or moved someone, had they not already left the organisation

Policy on making referrals

When someone is removed from their regulated role, the club, in conjunction with **scottishathletics**, must consider whether the grounds for making a referral have been met.

If someone leaves before being removed from their role

In some cases, information about inappropriate behaviour comes to light after someone leaves an organisation.

Every club, in conjunction with **scottishathletics** will consider a referral when such information might have led to a referral being made had it been known while the person concerned was still doing regulated work.

Process of making referrals

When it is established that a referral should be made to Disclosure Scotland, it must be made within three months. This is a legal requirement and failure to make such a referral to Disclosure Scotland will mean that an offence has been committed.

It is the responsibility of the club welfare officer, or other designated person, to make such a referral and **scottishathletics** can assist with this process. The person making the referral will have the authority to consult with all relevant people within the organisation to obtain the necessary information. A referral will normally be made at the end of a disciplinary process, once the decision has been reached to remove the individual from regulated work.

A link to the referral form is available here; <https://www.mygov.scot/pvg-employer-referral/>

More information on the process is also available via the [Disclosure Scotland](#) website and from the welfare team at **scottishathletics**.