Making Referrals For Sports Governing Bodies And Their Clubs

Background

The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances. If someone is permanently removed from regulated work you need to decide if the reason(s) that they were removed mean that Disclosure Scotland need to be told what’s happened. This is called “Making a Referral” and includes circumstances where the person would have been removed if, for any reason, they had already left the role.

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

When Do The Protection Unit Need To Know What’s Happened?

A referral should only be made when **2 conditions** have been met:-

Condition 1 – A person has been permanently removed/removed themselves from regulated work *(this includes suspension which requires the person to reapply for their role when the suspension period has ended)*

Condition 2 – At least 1 of the following 5 grounds apply to their permanent removal:

* Caused harm
* Placed someone at risk of harm
* Engaged in inappropriate conduct involving pornography
* Engaged in inappropriate sexual conduct
* Given inappropriate medical treatment

When both conditions have been met, Disclosure Scotland **must** be told by making a referral. The form for making a referral can be found on Disclosure Scotland’s website, along with instructions for completing the form and the Protection Unit can be contacted on 03000 2000 40 if you need any help.

**Making a referral is not optional. It is a legal requirement to report circumstances where both conditions are met. This should be done within 3 months of making the removal decision.**

Who’s Responsible For Making The Referral?

When your club carry out disciplinary action and make the decision to permanently remove someone from regulated work, your club are responsible for making the referral.

Where the Sports Governing Body take disciplinary action which means that you have to remove someone from regulated work in your club, the Sports Governing Body are responsible for making the referral.

How To Use This Policy

The policy provided below can be used as it is by adding your organisation’s name at the top, identifying and inserting the job title/post of the person in your organisation who will be responsible for making referrals (insert this job title in the area marked ‘Position 1’) and the job title of the person who will substitute for this person in their absence (insert this job title in the area marked ‘Position 2’).

Your Sports Governing Body should already have inserted their details for circumstances where they are the body required to make the referral. If this has not been done, you will need to contact them to ask who is responsible for making referrals which are their responsibility.

**Referrals Policy of (insert the name of your club)**

This policy is relevant to all those involved in making recruitment/disciplinary decisions in our organisation.

When a volunteer or member of staff is permanently removed from regulated work within our club, there are certain circumstances where either our club or our Sports Governing Body must notify the Protection Unit at Disclosure Scotland that this has happened. This is called “Making a Referral”. If we or our Sports Governing Body would have permanently removed the individual from regulated work, the actions detailed in this policy will continue to apply (even if a member of staff or volunteer leaves our club prior to any action being taken, irrespective of the reason that they leave).

2 conditions must be met before we or our Sports Governing Body let Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed/removed themselves from regulated work *(this includes suspension which requires the person to reapply for their role when the suspension period has ended)*

Condition 2 – At least 1 of the following 5 grounds apply

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

When both of these conditions have been met, it is a legal requirement that either we or our Sports Governing Body must let Disclosure Scotland know by making a referral within 3 months of the permanent removal of the individual.

Where there is an 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 or the Sports Governing Body will consider whether we want to make a referral but the legal responsibility applies only after 28 February 2011 when PVG was first introduced.

Where it is necessary for our club to make a referral, this process will be carried out by (INSERT POSITION 1). In their absence, the referral process will be carried out by (INSERT POSITION 2).

Where it is necessary for our Sports Governing Body (Scottish Squash Limited [SSL]) to make a referral, this process will be carried out by SSL’s Chief Operating Officer. In their absence, the referral process will be carried out by SSL’s Chief Executive Officer.

Failure to make a referral where required, may result in our club or Sports Governing Body being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify those responsible for making referrals when both conditions for making a referral have been met.

This policy shall be reviewed on an annual basis and the next date for review will be (INSERT DATE OF NEXT REVIEW).