



## HS07-P03 MAKING REFERRALS TO DISCLOSURE SCOTLAND POLICY

### VERSION CONTROL

Version No.	Date Amended	Amended By	Reason
1.0	18/11/2021	Risk & Compliance Sub Committee	Added to Policy Matrix
2.0	01/07/2023	Risk & Compliance Sub Committee	Amended



## Making Referrals to Disclosure Scotland Policy

### Purpose of policy

This policy is relevant to all those involved in making recruitment/disciplinary decisions for Scottish Squash staff or volunteers. Squash in Scotland member clubs for whom Scottish Squash acts as an intermediary may adopt this policy in full or adopt their own version.

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 you would have removed them if, for any reason, they have 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?

You should only make a referral 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 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 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.

Further guidance on referrals can be found at: <http://www.mygov.scot/pvg-referrals/>

**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 your decision.**

### Who's responsible for making the referral?

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



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

## Further details

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 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 the club to make a referral, this process will be carried out by the Child Wellbeing and Protection Officer. In their absence, the referral process will be carried out by a nominated second person (e.g. Chairperson, President).

Where it is necessary for our Sports Governing Body (Scottish Squash Limited [SSL]) to make a referral, this process will be carried out by our Chief Operating Officer [Position 1]. In their absence, the referral process will be carried out by our Chief Executive Officer [Position 2]. Those who are in a position which may involve carrying out disciplinary action which may result in the removal from regulated work or dismissal of someone in regulated work must ensure they notify our Chief Operating Officer [Position 1] or, in their absence, our Chief Executive Officer [Position 2] of the legal requirement to make a referral where the conditions above have been met.

Failure to make a referral where required, may result in our organisation being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify the SSL Chief Operating Officer [Position 1] or Chief Executive Officer [Position 2] when both conditions for making a referral have been met.