

***Making Referrals
to Disclosure
Scotland Policy
16th February 2021***

Purpose of policy

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

When a volunteer or member of staff is permanently removed from a regulated work position, there are certain circumstances where an organisation must notify the Protection Unit at Disclosure Scotland that this has happened. This is called "Making a Referral". If we would have permanently removed the 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).

Making Referrals to Disclosure Scotland

2 conditions must be met before we let Disclosure Scotland know that something has happened in relation to an individual who is in regulated work.

Condition 1 – A person has been permanently removed/removed themselves from regulated work

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 we must let Disclosure Scotland know by making a referral within 3 months of the permanent removal of the individual.

Further guidance on referrals can be found at www.mygov.scot/pvg-referrals/

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 to make a referral, this process will be carried out by the Lead Safeguarding Officer. In their absence, the referral process will be carried out by Operations Manager. 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 the Lead Safeguarding Officer or, in their absence, Operations Manager 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 Lead Safeguarding Officer or Operations Manager when both conditions for making a referral have been met.

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.