



able2sail SCIO Referrals Policy

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

When a volunteer 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. 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 volunteer leaves their regulated work position prior to any action being taken, irrespective of the reason that they leave).

Two conditions must be met before we let Disclosure Scotland know that something has happened.

- **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; or
 - 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.

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 Chairperson. In their absence, the referral process will be carried out by the Secretary. 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 Chairperson or, in their absence, the Secretary 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 Chairperson or the Secretary when both conditions for making a referral have been met.

Version: 1.0

Last updated: 29 July 2021 (next review 31 July 2022)

Approved: 1 August 2021