

Making a Referral Policy Wellbeing & Protection

Livingston Swimming Club

Version 1, Date 29/04/24

Making a Referral

Club Policy

Introduction

The Protection of Vulnerable groups (Scotland) Act 2007 is in place to make sure unsuitable individuals cannot work or volunteer with children or protected adults (regulated work). A key part to this process working correctly is for clubs to pass on information to Disclosure Scotland when they identify an unsuitable individual within their club.

Background

The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances. If The Club/Scottish Swimming permanently remove someone from regulated work it needs to be decided if the reason(s) that they were removed means Disclosure Scotland need to be informed about what 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 undertake regulated work (with children/adults/both) or if they should be removed from regulated work.

When Should The Club Let The Protection Unit Know What's Happened?

The Club should only make a referral when both Condition 1 and Condition 2 below have been met.
Condition 2 is meeting a minimum of 1 of the 5 points.

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 of these conditions have been met, the Club **must** let Disclosure Scotland know by making a referral. The form for making a referral can be found on Disclosure Scotland's website (HERE), 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 your decision.

Who Is 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 is responsible for making the referral.

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

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How To Use This Policy

The template policy provided below is to be used and identifies the role/post of the person in our club who will be responsible for making referrals ('Position 1') and the person who will substitute for this person in their absence ('Position 2').

Responsible people:

Position 1: Club Chair / President

Position 2: Club Wellbeing Officer

Throughout this procedure, Scottish Swimming will support the club and Wellbeing Officer through the process.

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Referrals Policy of Livingston Swimming Club

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

When a volunteer or club member is permanently removed from a regulated work position, there are certain circumstances where our club 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 club member or 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 or Scottish Swimming let Disclosure Scotland know that something has happened. A referral will only be made when both Condition 1 and Condition 2 below have been met. Condition 2 must be at least 1 of the 5 grounds listed.

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 we or Scottish Swimming 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 Scottish Swimming 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 the **Club President/ Chair**. In their absence, the referral process will be carried out by the **Club Wellbeing Officer**.

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Where it is necessary for our Sports Governing Body (**Scottish Swimming**) to make a referral, this process will be carried out by (**Euan Lowe, Chief Executive**). In their absence, the referral process will be carried out by (**Elaine Mackenzie, Director of Services**).

Failure to make a referral where required, may result in our club or Scottish Swimming being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify those responsible as well as Sean Dawson, Scottish Swimming Safeguarding Manager (s.dawson@scottishswimming.com) when both conditions for making a referral have been met.