Referrals Policy of Fife Contemporary Art & Craft (St Andrews) Ltd

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 a regulated work position, there are certain circumstances where or 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).

2 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
- 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. (See attached guideline notes.)

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 Signatory (currently the Director). In their absence, the referral process will be carried out by the Chair of the Board. 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 Signatory (currently the Director) or, in their absence, the Chair of the Board 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 Signatory (currently the Director) or the Chair of the Board when both conditions for making a referral have been met.

Making Referrals

Background

The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances. If you permanently remove someone from regulated work you need to decide if the reason(s) that they were removed mean that you need to let Disclosure Scotland know 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 Should You Let The Protection Unit 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
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 of these conditions have been met, you **must** let Disclosure Scotland know 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 your decision.