

# PERTH CITY SWIM CLUB

## Making a Referral

### Safeguarding 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 a clubs or Scottish Swimming to pass on information to Disclosure Scotland when they identify an unsuitable individual within a 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 Scottish Swimming Let The Protection Unit Know What’s Happened?

Scottish Swimming 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, Scottish Swimming **must** let Disclosure Scotland know by making a referral.

**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 the decision being made.**

#### Who Is Responsible For Making The Referral?

When a club carries out disciplinary action and makes the decision to permanently remove someone from regulated work, the club are responsible for making the referral. In these circumstances the club must contact Sean Dawson, Scottish Swimming Safeguarding Manager ([s.dawson@scottishswimming.com](mailto:s.dawson@scottishswimming.com)) in the first instance for support.

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Where Scottish Swimming takes disciplinary action which means that they have to remove someone from regulated work in a club, National Programme Activity or National Event Activity, Scottish

Swimming is responsible for making the referral. Scottish Swimming will communicate with the club as appropriate.

### Referrals Policy of **SCOTTISH SWIMMING**

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

When a volunteer or club member is permanently removed from a regulated work position, there are certain circumstances where Scottish Swimming must notify the Protection Unit at Disclosure Scotland that this has happened. This is called "Making a Referral". If Scottish Swimming 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 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 conditions have been met, it is a legal requirement that 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 Scottish Swimming but there is a belief, in all probability, that have led to the 2 conditions being met, Scottish Swimming will consider whether a referral is made. The legal responsibility however, applies only after 28 February 2011 when PVG was first introduced.

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

Failure to make a referral where required, may result in Scottish Swimming being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify those responsible when both conditions for making a referral have been met.