



REFERRALS TO DISCLOSURE SCOTLAND

Introduction

- As a provider of regulated roles, as defined by Schedules 2 and 3 of the Protection of Vulnerable Groups (Scotland) Act 2007, SP SQUARE CIC has to refer individuals to Disclosure Scotland in certain circumstances. This legal duty to refer is included in section 9 of the Protection of Vulnerable Groups (Scotland) Act 2007.
- The duty to refer to Disclosure Scotland exists regardless of the involvement of other agencies, for example the police, regulatory bodies or local authorities.
- This policy follows and expands on our procedures and practices from SP SQUARE CIC's HR and Safeguarding policies.

Types of conduct

- The duty to refer exists when an individual in a regulated role is responsible for one of the following:
 - harming a child or protected adult
 - placing a child or protected adult at risk of harm
 - inappropriate behaviour involving pornography
 - inappropriate behaviour of a sexual nature involving a child or protected adult
 - giving inappropriate medical treatment to a child or protected adult

Harm

- 'Harm' can include:
 - physical harm (including assault or inappropriate restraints)
 - psychological/emotional harm (for example, placing a child/protected adults in a state of fear, alarm or distress)
 - damage to property, rights or interests, such as theft, fraud, embezzlement or extortion
 - attempts to harm
 - trying to make others cause harm
 - encouraging someone to self-harm

These lists are not exhaustive.

- Placing at 'risk of harm' is a wide ranging category but may include behaviour or incompetence that may cause someone to be harmed (even if unintentional and/or where harm does not actually occur).
- The conduct does not need to have happened in the workplace. But it must be

something the organisation becomes aware of, that then leads to one of the actions below.

When to refer to Disclosure Scotland

- A referral to Disclosure Scotland about a person's conduct only needs to be made if the behaviour meant that the employee or volunteer involved:
 - was dismissed as a result
 - would have been dismissed but left before they could be. For example, they resigned from the organisation immediately after the incident(s) or before a disciplinary process is complete, or when an individual's probation or fixed term contract is not extended because of their conduct
 - was transferred permanently away from work with children or protected adults. For example, being moved to another role in the organisation that does not involve a regulated role with those groups
- The referral must be made within 3 months of the decision of SP SQUARE CIC to either dismiss/permanently remove the individual from regulated work, or within 3 months of the date that the individual would have been permanently removed had they not left.
- The 3 month period to submit referrals to Disclosure Scotland is a legal requirement, regardless of any dismissal appeals or appeal periods etc. Even where an individual appeals against a decision to permanently remove them from regulated work, the 3 month period begins on the date of the decision to either dismiss or permanently remove them from a regulated role.
- The type of conduct committed by the individual must be in relation to the group that the individual is in a regulated role with, whether that regulated role is for SP SQUARE CIC or another organisation. For example, if an individual is permanently removed from a position due to assaulting a child, but they are only in a regulated role with protected adults, it is not possible under current legislation for the organisation to refer that individual to Disclosure Scotland.

How to refer an individual to Disclosure Scotland

- An employer referral form is available on the Disclosure Scotland website. This asks for:
 - proof of the person's identity
 - details of the type of regulated role they're employed to do
 - the person's PVG scheme number, if they have one
 - information on the harmful behaviour
 - details and documentation of the employer's investigation and outcome
- The referral should not identify any children or protected adults by name (for example, victims and witnesses). You should use a coded reference (e.g. child A, age 12).
- When the details have been filled in, email the form and any supporting documents to pvgreferrals@assured.systems.gov.scot, or print it out and post it to the address provided on the form.

Help

- There's more information on the [Disclosure Scotland website](#), including the [form used to submit a referral](#).
- Disclosure Scotland can provide advice on whether a specific situation means a referral must be submitted. You can contact them for help:

- phone: 0300 020 0040
- email: response@disclosurescotland.gov.scot

CONTACT

- If you would like to discuss this policy, raise a concern, or ask for further clarification, please contact:

SP SQUARE CIC BOARD

Email : team.spsquare@gmail.com

Please include "FAO: Board" in the subject line.

DEDICATED SAFEGUARDING OFFICER

Currently : Mr. Scott Kames

Email : team.spsquare@gmail.com

Please include "FAO: DSO" in the subject line.

Thank you for helping us create safe, inclusive and empowering creative spaces.