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**East Lothian Yacht Club Referrals Policy**

August 2020

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 position involving regulated work with children or protected adults, there are certain circumstances where our organisation is required to notify the Protection Unit at Disclosure Scotland. This is called ‘Making a Referral’. The actions in this policy will continue to apply if we would have permanently removed the individual from regulated work, even if they leave their position prior to any action being taken.

It is a legal requirement that we must make a referral to Disclosure Scotland within 3 months of the permanent removal of the individual, whether or not they are a PVG Scheme member, if the following two conditions are met:

Condition 1 – a person has been permanently removed from regulated work, or would have been removed if they had not already left.

Condition 2 – at least 1 of the following 5 grounds apply to their permanent removal:

* 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.

Where it is necessary to make a referral, this process will be carried out by the Commodore. In their absence, the referral process will be carried out by the Child Protection Officer. Those who are in a position that 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 Commodore or, in their absence, Child Protection Officer of the legal requirement to make a referral where the conditions 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 Comodore OR Child Protection Officer when both conditions for making a referral have been met.

Where there is a 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 two 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.

The Disclosure Scotland Protection Unit can be contacted on 03000 2000 40 for advice. The referral form and instructions on completing it can be found on Disclosure Scotland’s website here: <https://www.mygov.scot/pvg-referrals/>