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Scottish Archery

Making a PVG Referral Policy

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1 Making referrals under the PVG Act

The Protection of Vulnerable Groups (Scotland) Act 2007 aims to provide a robust system by which unsuitable people are prevented from doing regulated work with children or Protected Adults and by which people who become unsuitable are identified.

'Regulated work' is defined by [Schedule 2 of the Protection of Vulnerable Groups \(Scotland\) act 2007](#)

For it to work effectively, it is necessary for organisations to pass on information regarding such people to Disclosure Scotland so that it can be properly evaluated and appropriate action taken. The process of passing such information to Disclosure Scotland is called making a referral.

Whilst the Act relates to regulated work with children and Protected Adults, the SAA does not provide a service, as defined by the Act, for Protected Adults.

2 Background to the policy

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 organisations to pass on information to Disclosure Scotland when they identify an unsuitable individual within their organisation.

Passing information to Disclosure Scotland is called making a referral.

Organisations have a legal obligation to pass information to Disclosure Scotland (make a referral) about an unsuitable individual when the individual who has been doing regulated work (paid or volunteering) meets both of the following:

- The individual doing regulated work has done something to harm a child or protected adult, and
- The impact is so serious that the individual is removed from undertaking regulated work

3 What do we mean by harm?

Harm is defined in the legislation as:

- (a) An individual's conduct causes another physical harm
- (b) An individual's conduct caused another psychological harm
- (c) An individual engages in unlawful conduct which appropriates or adversely affects the property, rights or interests of another (e.g. theft, fraud, embezzlement)

Harm is when an individual who is doing regulated work, does any of the following:

- Harms a child or protected adult
- Places a child or protected adult at risk of harm engages in inappropriate

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- conduct involving pornography
- Engages in inappropriate conduct of a sexual nature involving a child or protected adult
- Gives inappropriate medical treatment to a child or protected adult

This may include behaviour which occurs outwith the person's work / volunteering with the Scottish Archery Association.

4 What do we mean by removed?

- Dismissed the individual from their paid or volunteering position, or
- Moved the individual to a new paid or volunteering post that is not a regulated work position
- Reached a decision that we would have dismissed or moved someone, had they not already left the organisation

5 Policy on making referrals

When a member, whether in paid employment or not, is removed from their regulated work position by Scottish Archery, the SA Child Wellbeing and Protection Officer will consider whether the grounds for making a referral have been met.

In some cases, information about inappropriate behaviour comes to light after someone leaves an organisation. Scottish Archery will also consider making a referral when such information might have led to a referral being made had it been known while the person concerned was still doing regulated work.

6 Process of making referrals

When Scottish Archery is clear that a referral should be made to Disclosure Scotland, we will do so within 3 months. This is a legal obligation and failure to make a referral to Disclosure Scotland will mean that an offence has been committed.

It is the responsibility of the SA Child Wellbeing and Protection Officer to make such a referral. Director for Member Services will deputise for the Child Wellbeing and Protection Officer should they be unavailable at that time in fulfilling this responsibility. The person making the referral will have the freedom and authority to consult with all relevant people within the organisation in order to obtain the necessary information. A referral will be made at the end of the disciplinary process, once the decision has been reached to remove the individual from regulated work.

The relevant form for making a referral is available on the Disclosure Scotland website. Full Guidance on the PVG Act is also on their website and should be consulted as required. Advice on making a referral can be sought from Volunteering Scotland Disclosure Services.