



PVG Referral Policy of Musselburgh ASC March 2023

The REFERRALS POLICY is pertinent to all who are making decisions in relation to the recruitment and disciplinary decisions in the club.

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 is for a club or Scottish Swimming to pass on information to Disclosure Scotland when they identify an unsuitable individual within a club.

Referrals Policy of Musselburgh ASC:

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 Musselburgh ASC 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 Musselburgh ASC or 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

- o Caused harm to a child or protected adult
- o Placed someone at risk of harm
- o Engaged in inappropriate conduct involving pornography

Musselburgh Amateur Swimming Club, home of the
Musselburgh Marlins



- o Engaged in inappropriate sexual conduct
- o Given inappropriate medical treatment

When both conditions have been met, it is a legal requirement that Musselburgh ASC or Scottish Swimming inform Disclosure Scotland by making a referral within 3 months of the permanent removal of the individual.

Where it is necessary for our club to make a referral, this process will be carried out by THE Club President. In their absence, the referral process will be carried out by the clubs Wellbeing and Protection Officer.

Where there is a 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 has led to the 2 conditions being met, Musselburgh ASC or Scottish Swimming will consider whether a referral is made. The legal responsibility however, only applies after 28th February 2011, when PVG was first introduced.

Where it is necessary for our Governing Body (**Scottish Swimming**) to make a referral, the process will be carried out by (**Scottish Swimming Chief Executive**). In their absence, the referral process will be carried out by (**Scottish Swimming Director of Services**).

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

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.