



**Holy Corner Community Playgroup
6A Christ Church, Morningside Road,
Edinburgh, Eh10 4DD. Tel: 07519 123 815**

Making a Referral Policy (May 2025)

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 regulated role, there are certain circumstances where our organisation must notify Disclosure Scotland that this has happened. This is called “Making a Referral”. If we would have permanently removed the individual, the actions detailed in this policy will continue to apply (even if a member of staff or volunteer leaves their regulated role prior to any action being taken, irrespective of the reason that they leave).

Disclosure Scotland will then use this information to help them decide if someone remains suitable to continue to do a regulated role (with children/adults/both) or if they should be removed from a regulated role.

2 conditions must be met before we let Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed/removed themselves from a regulated role

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

‘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
- 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)

When both of these conditions have been met, it is a legal requirement that we 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 a regulated role with us but which we believe would, in all probability, have led to the 2 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.

Where it is necessary to make a referral, this process will be carried out by **the Chair**. In their absence, the referral process will be carried out by **the Treasurer**.

Those who are in a position which may involve carrying out disciplinary action which may result in the removal from a regulated role or dismissal of someone in a regulated role, must ensure they notify **the Chair** or, in their absence, **the Treasurer** of the legal requirement to make a referral where the conditions above 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 Chair** or **the Treasurer** when both conditions for making a referral have been met.

The form for making a referral can be found on Disclosure Scotland’s [website](#). You can contact Disclosure Scotland on 03000 2000 40 if you require any help.

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 making your decision.