

Referrals Policy of CREATE Paisley

This policy is relevant to all those involved in making recruitment/disciplinary decisions.

When a volunteer or member of staff is permanently removed from a Regulated Role, there are certain circumstances where the organisation must notify Disclosure Scotland that this has happened. This is called "Making a Referral".

Organisations must make a referral if a person shows harmful behaviour and they:

- are dismissed as a result
- would or might have been dismissed but left before they could be
- are permanently moved away from work with children or protected adults

If any of these actions were taken, it is a legal requirement that CREATE must make a referral to Disclosure Scotland within 3 months of making the decision.

Harmful behaviour that must be referred

Examples of harmful behaviour include:

- 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

Types of harm

There are different ways 'harm' can be defined. It's important to remember that people can cause a risk of harm without actually doing anything directly.

Examples of harm include:

- physical harm (like inappropriate physical restraint or assault)
- psychological harm (like emotional abuse)
- theft (like embezzlement)

Examples of behaviour which lead to a risk of harm include:

- attempting to harm (even if they do not succeed)
- trying to make someone else cause harm
- encouraging someone to self-harm
- reckless behaviour or incompetence that may cause someone to be harmed, even if they did not mean it to



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 above conditions being met, we will consider whether we want to make a referral.

Where it is necessary to make a referral, this process will be carried out by CREATE's Chief Executive. In their absence, the referral process will be carried out by the CREATE board's delegated safeguarding representative. 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 from a Regulated Role must ensure they notify CREATE's Chief Executive or, in their absence, the CREATE board's delegated safeguarding representative, 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 CREATE's Chief Executive or the CREATE board's delegated safeguarding representative when conditions for making a referral have been met.

Link to referral form

<https://www.mygov.scot/pvg-employer-referral>