



A Scottish Charitable Incorporated Organisation



REFERRALS POLICY

Issued March 2023

BACKGROUND

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

When a volunteer is permanently removed from a regulated work position (Driver, Passenger Assistant, or Trustee) there are certain circumstances where an organisation **must** notify the Protection Unit at Disclosure Scotland that this has happened. This is called "Making a Referral". If the charity 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 work position prior to any action being taken, irrespective of the reason that they leave).

NB: 'regulated work' and 'regulated work positions' refer to both voluntary and paid work, whichever is applicable.

CIRCUMSTANCES

Two conditions must be met before Bertie Bus lets Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed or removed themselves from regulated work.

Condition 2 – At least **one** of the following five grounds apply:

- The person has caused harm to a child or protected adult
- The person has placed someone at risk of harm
- The person has engaged in inappropriate conduct involving pornography
- The person has engaged in inappropriate sexual conduct
- The person has given inappropriate medical treatment

When both of these conditions have been met, it is a legal requirement that Bertie Bus must let Disclosure Scotland know by making a referral within three months of the permanent removal of the individual, using the Referral Form available at <https://www.mygov.scot/pvg-employer-referral>

Where there is an historical allegation of harm or inappropriate behaviour about someone who is no longer in regulated work with Bertie Bus but which the organisation believes would, in all probability, have led to the two conditions being met, Bertie Bus will consider whether it wants 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 Chair of Bertie Bus, or the Vice Chair, if the Chair is conflicted or unavailable. Those who are in a position which 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 Board of Trustees 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 the organisation being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify the Board of Trustees when both conditions for making a referral have been met.

ADMINISTRATION

The Chair of Bertie Bus is responsible for the administration, revision, interpretation, and application of this Policy. The Policy will be reviewed annually and revised as needed.

APPROVED BY TRUSTEES ON 10 March 2023_____