**Removal from Regulated Work Referrals Policy of Strathclyde Students’ Union**

This policy is relevant to all those involved in making appointment or disciplinary action decisions involving staff, elected representatives and volunteers in our organisation.

When a volunteer, elected representative or member of staff is permanently removed from a regulated work [[1]](#footnote-1) position within our organisation, there are certain circumstances where our organisation must notify the Protection Unit at 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 work position prior to any action being taken, irrespective of the reason that they leave).

Two conditions must be met before we let Disclosure Scotland know that something has happened:

1. A person has been permanently removed/has removed themselves from regulated work;
2. At least one of the following five grounds for removal from regulated work apply:
   1. Caused harm to a child or protected adult;
   2. Placed someone at risk of harm;
   3. Engaged in inappropriate conduct involving pornography;
   4. Engaged in inappropriate sexual conduct;
   5. Given inappropriate medical treatment.

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 regulated work with us but which we believe would, in all probability, have led to the two conditions being met, we will consider whether we want to make a referral. The legal responsibility applies only to regulated work after 28 February 2011, when the Protecting Vulnerable Groups (PVG) scheme was first introduced.

Where it is necessary to make a referral, this process will be carried out by the Chief Executive Officer (CEO). In their absence, the referral process will be carried out by the Deputy CEO. 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 CEO or, in their absence, the Deputy CEO of the full details of the disciplinary investigation, who will then decide whether it is necessary to make a referral.

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 CEO or Deputy CEO when both conditions for making a referral have been met.

1. Regulated work is defined as “work with children and work with protected adults.” Further guidance and examples can be found at: https://www.mygov.scot/pvg-scheme/types-of-work-covered-by-pvg/ [↑](#footnote-ref-1)