

# SCOTTISH GYMNASTICS ASSOCIATION POLICY ON REFERRALS TO DISCLOSURE SCOTLAND

## Policy Statement

**Only for the purposes of gaining a PVG disclosure for all Scottish Gymnastics Association (SGA) members working in a regulated role (with children, young people and vulnerable adults) within a club registered to SGA, SGA will be referred to as the employer/provider of “regulated work”.**

## Introduction

1. As a provider of “regulated work”, as defined by Schedules 2 and 3 of the Protection of Vulnerable Groups (Scotland) Act 2007, SGA are legally obliged in certain circumstances (known as referral grounds) to submit referrals on individuals to Disclosure Scotland. The legal requirement to refer is contained with section 9 of the Protection of Vulnerable Groups (Scotland) Act 2007.
2. The obligation to refer to Disclosure Scotland exists irrespective of involvement of other agencies – e.g. police, regulatory bodies, local authorities etc.

## Types of conduct

3. The obligation to refer arises when an individual in a “regulated work” role (i.e. the position is eligible for a PVG check) is responsible for one of the following:
  - 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

## Harm

4. “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)
  - attempts to harm
  - trying to make others cause harm
  - encouraging someone to self-harm

5. Placing someone 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). Gymnastics is a high risk sport and our overwhelming priority is to ensure children and young people are not placed at potential or actual risk of harm.

**6. Point 4 lists some types of conduct, is not an exhaustive list and examples of ‘harm’ in a gymnastics setting could include:**

- Coaching out with the level of skills contained in an individual’s coaching qualifications
- Coaching on your own
- Not checking equipment leading to injury
- Ignoring bullying situations or when a child or young person discloses bullying etc.
- Pressure to perform, ridicule of performance, name calling, exposing children and young people to humiliating, taunting or aggressive behaviour or tone
- Failure to intervene where a child or young person’s self-confidence and worth are challenged or undermined
- Social Media – causing a child or young person to see or hear inappropriate language, conversations or posts
- Sexual abuse, physical assault, supplying illegal or unauthorised drugs
- Consuming alcohol **prior to** or during coaching, **or in such a way**, where its effects carry on into the working day and affect or impair judgement, placing others at potential or actual risk of harm
- Using legal drugs **prior to** coaching knowing that the side effects will impair your judgement, placing others at potential or actual risk of harm. *For example taking a strong antihistamine which you know causes you drowsiness*
- Using illegal drugs

7. The conduct does not need to have happened in the workplace i.e. the gym but must be something the organisation i.e. SGA becomes aware of that subsequently leads to the below action or equivalent.

**When to refer to Disclosure Scotland**

8. A referral to Disclosure Scotland outlining the conduct need only be done if the behaviour meant that the individual (coach, helper, volunteer, official) involved:

- Was dismissed from a registered club and expelled from SGA membership
- Would have been dismissed/expelled but left before they could be – for example, resigning or retiring making no further contact with the organisation immediately after the incident(s) or after starting but not concluding a disciplinary process
- Was transferred permanently (not temporarily while under investigation) from regulated work with children /protected adults to a role within the organisation that does not involve regulated work with those groups.

- Was under contract to SGA, the contract has come to an end and SGA would not be renewing the contract

**9.** The referral must be made within three months of the date of decision of SGA to either dismiss/expel/permanently remove the individual from “regulated work” or the date that the individual would have been expelled/permanently removed had they not otherwise already left.

**10.** The three month period to submit referrals to Disclosure Scotland is a statutory requirement, irrespective of any associated dismissal appeals or appeal periods etc. Even where an individual appeals against a decision to permanently remove them from regulated work, the three month period begins on the date of the decision to either dismiss/expel or permanently remove them from regulated work.

### **11. Exceptional Circumstances**

In reference to point 8 above, where SGA are notified by Disclosure Scotland that an individual becomes ‘listed’ as barred from regulated work, this individual can be expelled by SGA without the need for SGA to initiate the disciplinary process.

### **How to refer an individual to Disclosure Scotland**

It is important to note that at this current time SGA complete the referrals process on behalf of registered clubs. However as stated in the PVG training, clubs have an important part to play in this process.

### **Clubs have a duty to refer an individual to SGA Ethics Welfare & Conduct Manager as soon as any of the following occur:**

- Concerns are raised with regards to an individual who may have caused harm to a child or young person or placed a child or young person at potential or actual risk of harm
- A club Investigation has shown there is a case to answer
- Club disciplinary procedures are initiated
- Regardless of whether the individual leaves the club before any form of action has been taken

### **The following points are relevant only to SGA but have been included in this policy for information purposes**

**12.** The referral process will be completed by the Ethics Welfare & Conduct Manager

**13.** An employer referral form is available on the Disclosure Scotland website, which asks for the information on the individual’s identity, type of “regulated work” involved in for SGA, PVG Scheme number, information on the harmful behaviour and details (with documentation) relevant to the investigation carried out by the registered club, SGA, and the outcome.

**14.** The referral should not identify any children or protected adults by name (for example, victims and witnesses) and should use a coded reference (e.g. Child A, age 12).

**15.** The completed referral form and documentation can be submitted via e-mail to [pucorrespondence@disclosurescotland.gsi.gov.uk](mailto:pucorrespondence@disclosurescotland.gsi.gov.uk) or can be printed out and posted to the address provided in the form.

## **Contacts**

**16.** More information on this can be found on the Disclosure Scotland website (<https://www.mygov.scot/disclosure-types/>) or by contacting Disclosure Scotland on 0300 0200 040 or via [info@disclosurescotland.gsi.gov.uk](mailto:info@disclosurescotland.gsi.gov.uk).

17. The form recommended for completion to submit a referral can be found at <https://www.mygov.scot/pvg-referrals/>.

**18.** The Protection Unit or Customer Engagement Team at Disclosure Scotland are available to provide advice on whether a specific situation means a referral must be submitted to Disclosure Scotland.

**19.** SGA will seek to gain written confirmation of any advice provided by Disclosure Scotland.

If you have any questions in relation to this policy or the safe recruitment policy and procedures, please contact SGA Ethics Welfare and Conduct Manager via email on [welfare@scottishgymnastics.org](mailto:welfare@scottishgymnastics.org)