

REFERRALS TO THE CHILDREN'S LIST

Where SVA takes disciplinary action to remove a member of staff/volunteer from regulated work as a result of harmful behaviour towards a child, then they have a duty to refer the member of staff/volunteer to Disclosure Scotland so that consideration can be given to whether that individual should be barred from any kind of regulated work with children.

In line with The Protection of Vulnerable Groups (Scotland) Act 2007, SVA must refer to Disclosure Scotland the case of any member of staff/volunteer who (whether or not in the course of their role within the organisation) has;

- (a) Placed a child at risk of harm
- (b) Harmed a Child
- (c) Engaged in inappropriate conduct involving pornography
- (d) Engaged in inappropriate conduct of a sexual nature involving a child, or
- (e) Given inappropriate medical treatment to a child.

This referral will take place if the member of staff/volunteer has;

- (a) Been dismissed
- (b) Would have been dismissed had they not resigned, retired, expiry of a contract or been made redundant.
- (c) Been transferred to a position of non-regulated work with children by the SVA

SVA will also refer the case of a member of staff/volunteer where information becomes available after the member of staff/volunteer has:

- (a) Been dismissed
- (b) Resigned, retired, left after expiry of contract or been made redundant.
- (c) Been transferred to a position of non-regulated work with children by the SVA

Where SVA receives information that a member of staff/volunteer who holds a position of regulated work has been listed on the Children's List, the member of staff/volunteer will be removed from the regulated work with children post.



SPEAKING TO CHILDREN DURING THE INVESTIGATIVE PROCESS OR AS PART OF A DISCIPLINARY HEARING

In some circumstances, it would not be appropriate for the person conducting the investigation to speak to a child involved in the incident. If the nature of the concerns suggests a criminal offence has occurred or that a child may have been abused, then it is the job of specially trained and competent police officers and social workers to interview the child.

To minimise distress or anxiety for the child it is a good idea to give some thought as to how to approach them. The interviewer should consider the following:

- (a) The age, gender and background of the child i.e. will they require an interpreter?
- (b) Whether the child has any learning or physical disability which might affect their ability to communicate with others
- (c) The child's emotional state
- (d) Timing and location of interview, bearing in mind the child's daily routines
- (e) What you will do if the child becomes upset
- (f) Obtaining consent from the parents/ carer

The association in agreement with other parties' involved should decide whether it is absolutely necessary for the child to be involved in a disciplinary hearing. If the child is to be involved consideration should be given to the following:

- (a) Allowing the child to be accompanied by a relative or other responsible adult (preferably someone who is not involved in the case)
- (b) The environment or room layout - how intimidating it could appear to a child
- (c) The number of people present - try to ensure only those who need to be there are present whilst the child gives evidence
- (d) The age of the child
- (e) The nature of the evidence the child may be giving
- (f) The nature of the relationship between the child and the subject of the hearing
- (g) The tone and style of questioning i.e. clear, non-threatening with sufficient opportunity for the child to consider the questions and answer them.

These considerations should be balanced against the need to ensure the member of staff/volunteer has a fair hearing.

The following procedures for referrals and Special Considerations are in line with the Scottish Volleyball Association's Disciplinary procedure.