#  Referral Guidance

## Introduction

Barnardo’s has a duty to report any harmful behaviour that might affect whether an individual is suitable and allowed to work with children and/or adults at risk. This applies to individuals working/volunteering in regulated activity roles, and who carry out regulated activity work on Barnardo’s behalf, such as foster carers.

This guidance sets out the circumstances when a referral must be made and provides the appropriate links on how to make a referral, having discussed it with the Local Safeguarding Lead and/or Head of Safeguarding and Quality in the first instance.

Referrals should be compiled by those working at an Assistant Director/Assistant Head of Business level or above, who will also be the point of contact for the Regulatory Body should any further information be required and submitted by the People Team.

| **Regulatory Body**  | **Referral Policy** | **When to Refer** | **Link** |
| --- | --- | --- | --- |
| **\*Disclosure and Barring Service (DBS) England, Wales & Northern Ireland*****N.B. Although criminal records checks in Northern Ireland continue to managed by Access Northern Ireland (ANI), any referrals must be made to the DBS*** | A referral must be made when **both** of the following conditions have been met.1. When action is taken to remove an individual from engaging in regulated activity with children and/or vulnerable adults, including when an individual is moved to another area of work that isn’t regulated activity;

This includes:* situations where such action would have been taken, but the individual resigned, retired, left or was redeployed;
* the de-registration of a foster carer or potential adopter;
1. When there is reason to believe that an individual has carried out one of the following:
* Engaged in relevant conduct (see link to Making Referrals to the DBS) in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or;
* Satisfied the harm test in relation to children and/or vulnerable adults. e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists or;
* Been cautioned or convicted of a relevant (automatic barring) offence.
 | Most likely to be at:* Disciplinary decision stage, even if the employee has resigned before the process has concluded; or
* In cases of police caution or criminal conviction for a [relevant offence,](http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-referrals-guidance/dbs-factsheet-5?view=Binary) as soon as the employer is aware of the caution or conviction
 | [Making Referrals to the DBS](https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs)     [DBS Referrals DBS Questions Guide](https://www.gov.uk/government/publications/dbs-referrals-frequently-asked-questions-guide)   |
| **\*Protecting Vulnerable Groups (PVG) Scheme Scotland**  | There is a legal requirement to notify Disclosure Scotland of any individual doing regulated work who has done something to harm a child or protected adult or that leads to a risk of harm and the impact is so serious that the organisation has (or would) permanently remove the individual from regulated work (see link to PVG Referral Guidance). The policy on referrals to Disclosure Scotland can be found as an appendix within the Criminal Records Disclosure Policy – Scotland (see link).  | Where harmful behaviour has meant that the individual involved: * Was dismissed as a result; or their working agreement/involvement as a volunteer was terminated; or they were de-registered as a foster carer or prospective adopter;
* Would have been dismissed/working agreement/involvement

as a volunteer terminated/ deregistered as a foster carer or prospective adoptive parent but they left before they could be * Was transferred permanently away from work with children or protected adults

 Referrals should be made within three months of the above occurring. | [PVG Scheme Referral Guidance](https://www.mygov.scot/pvg-referrals/)  [PVG Referral Form](https://www.mygov.scot/pvg-employer-referral/)  [Criminal Records Disclosure](https://inside.barnardos.org.uk/sites/default/files/2019-04/Criminal%20Records%20Disclosure%20Policy%20-%20Scotland.pdf) [Policy - Scotland](https://inside.barnardos.org.uk/sites/default/files/2019-04/Criminal%20Records%20Disclosure%20Policy%20-%20Scotland.pdf)  |
| **Ofsted England**  | Registered childcare providers must notify Ofsted of any allegations of serious harm or abuse by any individual living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere) and the action taken in respect of these allegations. These notifications must be made as soon as is reasonably practicable but at the latest within 14 days of the allegations being made.  Social care providers must notify with 1 working day of the event.  In addition, Fostering and Adoption services have a requirement to also notify Ofsted via children’s social care | When any serious incident or complaint is made about the service/school or persons working there (refer to guidance at the links provided).  | [Early years services: incident reporting | Inside Barnardos](https://inside.barnardos.org.uk/resources-and-guidance/childrens-services/early-years-services-incident-reporting)[Childcare: significant events to notify Ofsted about - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/childcare-significant-events-to-notify-ofsted-about)[Report a serious childcare incident - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/report-a-serious-childcare-incident#how-to-tell-ofsted)[Tell Ofsted about an incident: children's social care notification](https://www.gov.uk/guidance/tell-ofsted-about-an-incident-childrens-social-care-notification) |
| **Local Authority Designated Officer (LADO) England**   | Should be notified in all cases where it is alleged that an individual who works with children has behaved in a way that has harmed or may harm a child, possibly committed a criminal offence against children or related to a child or behaved towards a child or children in a way that indicates they are unsuitable to work with children.  | At the point when concerns are identified and within the same working day, following discussion with a Barnardo’s senior manager.  | [Working Together to Safeguard](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) [Children](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)  Also refer to Safeguarding Partner arrangements  |
| **Local Authority Designated** **Officer (LADO) Wales** | Should be notified in all cases including situations where such action would have been taken, but the individual resigned, retired, left or was redeployed, and which it is alleged that a person who works with children or adults at risk has: * Behaved in a way that has harmed or may have harmed a child or adult at risk;
* May have committed a criminal offence against a child or adult at risk or that has a direct impact on the child or adult at risk;
* Behaved towards a child, children or adults at risk in a way that indicates they are unsuitable to work with both children and adults;

 In deciding whether a referral is required, the senior manager should consider whether the subject of the allegation or concern has: * Been the subject of criminal procedures that indicate a risk of harm to a child or adult at risk;
* Caused harm or possible harm to a child or adult at risk and there is a risk in the working, volunteering, or caring environment;
* Contravened or continued to contravene their agency’s Safeguarding Policy and Procedures;
* Failed to understand or comply with the need for clear personal and professional boundaries in the work place;
* Behaved in a way in their personal life which could put children and adults at risk of harm;
* Behaved in a way that undermined the trust placed in them by virtue of their position;
* Children who are subject to Child Protection Procedures;
* Has caring responsibilities for an adult who is subject to Adult Protection Procedures.
 | At the point when concerns are identified and within the same working day, following discussion with a Barnardo’s senior manager | [Wales Safeguarding Procedures](https://safeguarding.wales/chi/c5/c5.p2.html) are underpinned by the Social Services and Wellbeing (Wales) Act 2014 and should be read in conjunction with the relevant statutory guidance as follows: [Working Together to Safeguard People:](https://socialcare.wales/hub/statutory-guidance)[Volume 5 – Handling Individual Cases to](https://socialcare.wales/hub/statutory-guidance) [Protect Children at Risk](https://socialcare.wales/hub/statutory-guidance) or Volume 6 – Handling Individual Cases to Protect Adults at Risk.Consideration to be made regarding notification to Regional Safeguarding Board see guidance above. |
| **\*Care Quality Commission (CQC) England**  | Registered person must notify the Commission of any abuse or allegation of abuse in relation to a service user; and of any incident which is reported to or investigated by the police. | Suspension  | [CQC Referral Guidance](http://www.cqc.org.uk/organisations-we-regulate/registered-services/notifications/notifications-non-nhs-trust-providers)  |
| **\*Social Work England (formally HCPC)*****N.B. In addition to Social Workers in England only, referrals regarding those working anywhere in the UK in any of the other*** [***professions listed***](http://www.hpc-uk.org/aboutregistration/professions/)[***here (e.g. Occupational Health/Speech & Language therapists, Physiotherapist m***](https://www.hcpc-uk.org/about-us/who-we-regulate/the-professions/)***ust also be made to Social Work England*** | The types of issues likely to cause concern regarding an individual’s fitness to practise and should be referred to Social Work England regardless of the outcome of any disciplinary, performance or other process, include, but are not limited to: * Dishonesty, fraud or abuse of trust or position, including not maintaining professional boundaries with a service user;
* Exploitation of a vulnerable person;
* Failure to act in the best interests of service users;
* Serious breaches of a service user’s confidentiality or data protection requirements;
* Committing reckless or deliberately harmful acts;
* Hiding mistakes or blocking an investigation;
* Serious or repeated failings in service user care;
* Where a registrant’s performance in their role has harmed service users or put them at risk of harm;
* Violence, sexual misconduct or indecent behaviour;
* A caution or conviction for a criminal offence;
* Health concerns that are not being managed and may affect the safety of service users or colleagues, including substance abuse or misuse;
* An adverse finding by another regulatory body;
* Fraudulent or incorrect entry onto the Social Work England Register;
* Other serious actions or behaviours which affect public confidence in the profession.

  | When employer considers there is some evidence of a concern – usually when matters progress to a formal disciplinary or capability process.  | [https://www.socialworkengla nd.org.uk/](https://www.socialworkengland.org.uk/)   |
| **\*Care Inspectorate Wales (CIW)**  | If anyone living, working or employed on the premises, is accused of committing serious harm to a child or any abuse is alleged to have taken place on the premises then a referral must be made. | Suspension  | [Notifications | Care Inspectorate Wales](https://careinspectorate.wales/providing-a-care-service/already-registered-services/notification-forms)  |
| **Social Care Wales (Gofal Cymdeithasol Cymru)**  | Code of Professional Practice for Social Care; the Code is a list of statements that set out the standards of professional conduct and practice required of those employed in the social care profession in Wales. Employers of social care workers, are expected to promote the use of the Code and take account of it in making any decisions about the conduct and practice of their staff.  | Most likely to be at disciplinary decision stage or resignation pending dismissal. In cases of police caution or criminal conviction could be at suspension stage | [Social Care Wales Code of Practice](https://socialcare.wales/dealing-with-concerns/codes-of-practice-and-guidance)  |
| **\*Scottish Social Services Council (SSSC)**  | Must be notified: * If a social service worker is suspended, dismissed or demoted;
* If a social service worker resigns during disciplinary investigation where the employer would have considered dismissal;
* Anything that is referred to Disclosure Scotland;
* That a worker has been charged or convicted of a criminal offence;
* Any other circumstances that raises serious concern about a worker’s fitness to practise (See List A of Referral Guidance)
 | Immediately if the: * behaviour is serious;
* worker is suspended;
* worker resigns before internal processes have been concluded and dismissal was a likely outcome;
* worker is charged with a criminal offence.

Otherwise notify once disciplinary or performance processes have been concluded. If a worker is no longer employed, a referral should still be made even if it is thought the worker may not look for other work in social services.  | [https://www.sssc.uk.com/fitnes](https://www.sssc.uk.com/fitness-to-practise/raising-a-concern/)[s-to-practise/raising-a-concern/](https://www.sssc.uk.com/fitness-to-practise/raising-a-concern/)[Employer Referral Flowchart](https://www.sssc.uk.com/knowledgebase/article/KA-02099/en-us)  [Employer Referral Guidance](https://www.sssc.uk.com/knowledgebase/article/KA-02101/en-us)   |
| **\*Northern Ireland Social Care Council (NISCC)** | Behaviour or actions that raise concerns about an individual’s fitness to practise that include but are not limited to: * dishonesty, committed fraud or abused someone’s trust;
* exploited a vulnerable person;
* failed to respect service users’ rights to make choices about their own care;
* had an improper relationship with a service user;
* carried out reckless or deliberately harmful acts;
* seriously or persistently failed to meet standards;
* been involved in sexual misconduct or indecency;
* been violent or displayed threatening behaviour;
 | * Suspension pending the outcome of a disciplinary investigation;
* Dismissal, regardless of any intention to appeal;
* Resignation during a disciplinary investigation;
* Criminal charge or conviction;
* any other circumstances which the employer feels may have a bearing on the worker’s registration;
 | [Reporting Your Concerns About a Worker - NISCC](https://niscc.info/fitness-to-practise/reporting-your-concerns-about-a-worker) [Standard of Acceptance –](https://niscc.info/app/uploads/2020/07/standard-of-acceptance-ftp.pdf) [Fitness to Practise Allegations](https://niscc.info/app/uploads/2020/07/standard-of-acceptance-ftp.pdf)  |
| **\*Regulation and Quality**  **Improvement Authority (RQIA) Northern Ireland** | **Domiciliary Care/Residential/Day Care Settings:**  Any allegation of misconduct that may include: * Suspicion of, or actual abuse;
* Events that may give rise to criminal charges e.g. theft, fraud or misuse of drugs;
* Incidents that may give rise to referral to a professional body e.g. Nursing and Midwifery Council; NI Social Care Council; General Dental Council; General Medical Council;
* Events involving serious damage to property or breach of security;
* Persistent failures by a person employed by or for the establishment/agency, which over time have the potential to, or actually, cause harm;
* Actual serious injury or harm to a service user as a result of breach of confidentiality.

 Allegations of abuse, neglect or harm that is reported to the police must be notified no later than 24 hours after the matter has been reported to the policy  | On suspension, but in any event without delay / within 24 hours  | [Regulation and Quality](https://www.rqia.org.uk/guidance/guidance-for-service-providers/guidance-for-regulated-service-providers/) [Improvement Authority - RQIA](https://www.rqia.org.uk/guidance/guidance-for-service-providers/guidance-for-regulated-service-providers/)  [RQIA Day Care Settings](https://www.rqia.org.uk/guidance/guidance-for-service-providers/guidance-for-regulated-service-providers/) [Safeguarding Referral](https://www.rqia.org.uk/guidance/guidance-for-service-providers/guidance-for-regulated-service-providers/)  [Statutory Notification -](https://www.rqia.org.uk/RQIA/files/71/71c280d0-b1d0-4002-ad91-663445d1fb05.pdf) [Guidance for Managers](https://www.rqia.org.uk/RQIA/files/71/71c280d0-b1d0-4002-ad91-663445d1fb05.pdf)  |
| **Teaching Regulation Agency (TRA) (England)** | Must be notified of cases: * Involving serious professional misconduct which would include serious allegations that (if proven) should prevent an individual from teaching;
* Where a teacher has been dismissed or would have been dismissed, if they had not resigned first.

If an allegation against a teacher is in any way connected to the risk of harm, or actual harm, to a child, a referral should be made to both the Disclosure & Barring Service and the TRA. | Most likely to be at disciplinary decision stage or resignation pending dismissal. In cases of police caution or criminal conviction could be at suspension stage  | [Teaching Misconduct](http://www.education.gov.uk/schools/leadership/teachermisconduct/b00203674/referring/employers)  [Teacher misconduct: referring a case - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/teacher-misconduct-referring-a-case) |
| **Education Workforce** **Council (Wales)** | The Safeguarding Vulnerable Groups Act 2006 (‘the SVGA’) and the Education Workforce Council (Main Functions) (Wales) Regulations 2015 place a duty on all employers and agents in Wales to report cases to either the Disclosure and Barring Service (DBS) or the EWC where they have ceased or may have ceased to use the services of a registered person on grounds of misconduct or incompetence. | Most likely to be at disciplinary decision stage or resignation pending dismissal. In cases of police caution or criminal conviction could be at suspension stage  | [Procedures for reporting](https://gov.wales/procedures-reporting-misconduct-and-incompetence-education-workforce) [misconduct and incompetence in the education workforce in](https://gov.wales/procedures-reporting-misconduct-and-incompetence-education-workforce) [Wales](https://gov.wales/procedures-reporting-misconduct-and-incompetence-education-workforce)  |
| **General Teaching Council for** **Scotland (GTCS)**  | Must be notified immediately when:  * A teacher is dismissed on the grounds of misconduct or incompetence or;
* A teacher resigns or otherwise stops working in circumstances where, but for leaving the organisation, they would have or might have been dismissed on grounds of misconduct or incompetence.
 | Dismissal/Resignation pending dismissal or otherwise stops working  | [https://www.sssc.uk.com/fitnes](https://www.sssc.uk.com/fitness-to-practise/raising-a-concern/)[s-to-practise/raising-a-concern/](https://www.sssc.uk.com/fitness-to-practise/raising-a-concern/) |
| **Nursing and Midwifery Council (NMC)** | Must be notified immediately of allegations that a nurse, midwife or nursing associate has fraudulently or incorrectly joined the NMC register or allegations about fitness to practise including:  * There is a risk that the nurse (agency included), midwife or nursing associate may pose a risk to patients and the public;
* There is concern about whether a nurse (agency included), midwife or nursing associate should be allowed to practise as a registered professional.

Refer to link on the right hand side for examples of allegations that the NMC can investigate and further detail of the types of concerns that must be raised with the NMC. .  | Where there is a risk to patients and the public, immediately  | [https://www.nmc.org.uk/emplo](https://www.nmc.org.uk/employer-resource/)[yer-resource/](https://www.nmc.org.uk/employer-resource/)   |

|  |
| --- |
| **For advice on referrals of other professionals to their professional bodies please contact your Local People Team** |
| *\*Those marked with an asterisk also regulate services for vulnerable/protected adults* |
| **Please also note the requirement to report incidents internally as follows:** |
| * All serious safeguarding incidents must be reported using the ‘Serious Safeguarding Incident Form’.
* Safeguarding allegations against adults who work for or on behalf of Barnardo’s must be reported using the’ Allegations Against Reporting Form’.

**Please refer to the Safeguarding area on Inside.Barnardo’s to download a copy of the appropriate form and relevant guidance** [**https://inside.barnardos.org.uk/safeguarding**](https://inside.barnardos.org.uk/safeguarding)  |
| The Corporate Insurance Team must be notified of any allegation of wrongdoing as soon as possible - contact the Corporate Insurance Manager, on 020 8498 7111 or 07584 206139 for further information. |