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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 vulnerable/protected adults. This applies to individuals working/volunteering in regulated activity[i] 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 Corporate Safeguarding 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.

Regulatory Body	Referral Policy	When to Refer	Link
Disclosure and Barring Service (DBS) England, Wales & Northern Ireland** ***N.B. Although criminal records checks in	A referral must only be made when both of the following conditions have been met: 1. When an organisation removes an individual from working in a regulated activity with children and/or vulnerable adults because they pose a risk of harm to children, either through dismissal or the termination of a	Most likely to be at disciplinary decision stage but in cases of police caution or criminal conviction for a relevant offence, as soon as the employer is aware of the caution or conviction	Making Referrals to the DBS https://www.gov.uk/government/publications/dbs-referrals-frequently-asked-questions-guide

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Northern Ireland continue to be managed by Access Northern Ireland (ANI), any referrals must be made to the DBS	working agreement/involvement as a volunteer/or by moving the person to another area of work that is not regulated activity; or they were de-registered as a foster carer or prospective adopter; 2. When the employee has reason to believe that an individual has carried out one of the following: • Been cautioned or convicted of a relevant (automatic barring) offence; or • Engaged in relevant conduct (defined on the DBS Website – see links) in relation to children and/or vulnerable adults, i.e. an action or inaction (neglect) that had harmed a child and/or vulnerable adult or put them at risk of harm; or; • Satisfied the Harm test in relation to children and/or vulnerable adults, i.e. there has been no relevant conduct (no action or inaction) but a risk of harm to a child and/or vulnerable adult still exists.		

Regulatory Body	Referral Policy	When to Refer	Link
***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 and the impact is so serious that the organisation has (or would) permanently remove the individual from regulated work. A referral must therefore be made in instances 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/ de-registered 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 The policy on referrals to Disclosure	Within three months of the date of decision to dismissal or permanently remove the individual from "regulated work" or the date that the individual would have been permanently removed had they not otherwise or already left, or on termination of a working agreement or involvement as a volunteer.	PVG Scheme Referral Guidance PVG Referral Form Criminal Records Disclosure Policy - Scotland

Regulatory Body	Referral Policy	When to Refer	Link
	Scotland can be found as an appendix within the Criminal Records Disclosure Policy – Scotland.		
***Ofsted England**	Registered childcare providers must notify Ofsted of any allegations of serious harm or abuse by any person 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.	When any serious complaint is made about the service/school or persons working there	Early years: Ofsted Compliance Handbook
Local Authority Designated Officer (LADO) England & Wales	Should be notified in all cases where it is alleged that a person 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 Children Also refer to Local Safeguarding Children's Board (LSCB) procedures/local Safeguarding Partner arrangements

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***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
Health and Care Professions Council (HCPC) England** ***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 here must also be made to the HCPC	The types of issues likely to cause concern regarding a registrant's fitness to practise and should be referred to the HCPC 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	When employer considers there is some evidence of a concern – usually when matters progress to a formal disciplinary or capability process.	HCPC Referral Guidance

Regulatory Body	Referral Policy	When to Refer	Link
	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 HCPC Register; Other serious actions or behaviours which affect public confidence in the profession		
***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	https://careinspectorate.wales/providing-a-care-service/already-registered-services/notification-forms

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***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; • If a worker is suspended; • If a worker resigns and dismissal was a likely outcome; • A worker is charged with a criminal offence. 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/fitness-to-practise/raising-a-concern/ Employer Referral Flowchart Employer Referral Guidance
***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'	• Suspension pending the outcome of a disciplinary investigation; • Dismissal, regardless of any intention to appeal;	Reporting Your Concerns About a Worker - NISCC Standard of Acceptance – Fitness to Practise Allegations

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	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;	• 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;	
***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	On suspension , but in any event without delay / within 24 hours	Regulation and Quality Improvement Authority - RQIA RQIA Day Care Settings Safeguarding Referral Statutory Notification - Guidance for Managers

Regulatory Body	Referral Policy	When to Refer	Link
	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		
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	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 https://www.gov.uk/guidance/teacher-misconduct-referring-a-case

Regulatory Body	Referral Policy	When to Refer	Link
	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.		
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.gtcs.org.uk/regulation/referral.aspxNew Fitness to Teach Rules and Threshold Policy
Nursing and Midwifery Council (NMC)	Must be notified immediately where: • 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	Where there is a risk to patients and the public, immediately	https://www.nmc.org.uk/concerns-nurses-midwives/concerns-complaints-and-referrals/

Regulatory Body	Referral Policy	When to Refer	Link
	investigate.		
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**			
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 for further information.			