#### SCOTTISH EPISCOPAL CHURCH APPEALS PROCEDURES

**FOLLOWING CRIMINAL RECORDS CHECKS**

**Note:**

The address of the Clerk to the Appeals Committee is Shepherd and Wedderburn LLP, 1 Exchange Crescent, Conference Square, Edinburgh EH7 4BQ.

The address of the Secretary General is General Synod Office, 21 Grosvenor Crescent, Edinburgh EH12 5EE.

## **Introduction**

In these Procedures

* ‘applicant’ **either** means a person who has applied to be appointed to a post within the Scottish Episcopal Church involving working with or having access to children or vulnerable adults **or** it means a person who already holds such a post within the Scottish Episcopal Church and has submitted an application to Disclosure Scotland in terms of Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007;
* ‘Church’ means the Scottish Episcopal Church;
* ‘Canon 65’ means Canon 65 of the Church, which Canon is concerned with the Protection of Children and Vulnerable Adults;
* ‘Clerk to the Appeals Committee’ means the person acting as the Clerk to the Provincial Appeals Committee of the Church;
* ‘PO’ means the Provincial Officer for the Protection of Children and Vulnerable Adults or the Acting Provincial Officer;
* ‘Secretary General’ means the Secretary General of the General Synod of the Scottish Episcopal Church.

These appeal procedures are designed to cover two situations:

##### I. When there is an application to a post within the Church

* An applicant has applied to be appointed to a post within the Church involving working with or having access to children or vulnerable adults; and
* As part of the application, the applicant has submitted an application to Disclosure Scotland in terms of Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007; and
* The applicant has been informed by the PO that the PO has decided that the applicant is not regarded as suitable to be appointed to the post applied for.

##### When the applicant already holds a post within the Church

* The applicant already holds a post within the Church involving working with or having access to children or vulnerable adults; and
* The applicant has submitted an application to Disclosure Scotland in terms of Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007; and
* The applicant has been informed by the PO that the PO has decided that the applicant is not regarded as suitable to continue to hold his or her post.

In either of these circumstances, the applicant may

* **either** request in writing a review of the decision of the PO; **and, if the applicant is not satisfied with this,** appeal against the decision of the PO;
* **or** appeal against the decision of the PO without seeking a review.

The Appeal Procedures are laid out below. The Review Procedures are set out in a separate document, ***Review Procedures Following Criminal Records Checks***.

Any appeal shall be concerned with the fairness and reasonableness of the decision in all the circumstances of the case, and whether it was made in keeping with relevant Church policies concerning the protection of children, young people or vulnerable adults.

Any disagreement about the contents of the disclosure information itself cannot be the subject of an appeal under these procedures. Any such disagreement requires to be taken up by the applicant directly with Disclosure Scotland, through the separate provisions established by that body.

***Appeals Procedures***

1. Where the applicant is dissatisfied with the PO’s decision, he or she shall be entitled to appeal formally against the decision. An appeal must be initiated by the applicant in writing, giving the applicant’s reasons for the appeal. The written appeal shall be intimated to the Secretary General for and on behalf of the Clerk to the Appeals Committee and marked ‘Confidential’.
2. Where the applicant has used the Review Procedures set out in the document ***Review Procedures Following Criminal Records Checks,*** the written appeal must be received by the Secretary General within 21 working days of the date of posting by recorded delivery of the statement of reasons by the PO referred to in paragraph 3 of that Review Procedure. The date of posting shall be treated as the date of the PO’s decision for the purposes of Section 7 of Canon 65.
3. Where the applicant has not used the Review Procedures, the written appeal must be received within 21 days of the date of posting of the written notice of the decision by the PO that the applicant is not suitable for appointment or to continue to hold the existing appointment. The date of posting of that written notice shall be treated as the date of the PO’s decision for the purposes of Section 7 of Canon 65 where the Review Procedures have not been used.
4. Each appeal shall be given a case number.
5. The appeal hearing shall be undertaken by The Appeals Committee comprising three persons selected by the Clerk to the Appeals Committee from the Provincial Appeals Committee previously appointed by the Standing Committee of the General Synod. The Chair of the Panel shall be legally qualified and the Panel shall comprise a mixture of male and female members. Submissions to the Panel may be by way of oral or written submissions and subject to Rule 9 of the Rules of the Provincial Appeals Committee for the Protection of Children and Vulnerable Adults (“the Rules”) the Panel may determine the appeal on the basis of written submissions without the need for a hearing.
6. Having due regard to the need to ensure independent scrutiny of any appeal, none of the Provincial Appeals Committee shall be current employees of any of the employing agencies of the Church nor shall they be current members of the Church’s Provincial Committee.
7. The Rules will govern proceedings and hearings before the Provincial Appeals Committee for the Protection of Children and Vulnerable Adults of the Scottish Episcopal Church.