#### SCOTTISH EPISCOPAL CHURCH REVIEW 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 a post within the Scottish Episcopal Church and has submitted an application to Disclosure Scotland in terms of Part V of the Police Act 1997and 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 review 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, following upon the disclosure supplied by Disclosure Scotland, 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 Review Procedures are laid out below. The Appeals Procedures are set out in a separate document, ***Appeals Procedures Following Criminal Records Checks***.

Any review and/or 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 and vulnerable adults.

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

***Review Procedures***

**Note**: When written notice of a decision that the applicant is not suitable is received by the applicant, he or she may contact the PO by telephone or letter for an informal discussion. It is hoped that most concerns can be resolved by such discussion. In the event that discussions extend beyond the 28 day period mentioned in paragraph 1 below, the Secretary General may extend that period on application from the applicant. The PO shall keep a written record of these discussions and any agreement reached.

1. Where an applicant receives written notice that the PO has decided that he or she is not suitable, he or she may request in writing a review of that decision. The written request must be received by the Secretary General within 28 working days of the date of posting by recorded delivery of the written notice of the PO’s decision. Such a written request should be addressed to the Secretary General at the General Synod Office and marked ‘Confidential’.

1. The Secretary General shall acknowledge the written request in writing within 7 days of receipt and shall also send a copy of the request to the PO within 3 days of receipt.
2. The PO shall reconsider the decision complained of, and shall make a further decision. Within 28 working days of the sending of the copy request to the PO, subject to paragraph 4, the P shall send by first class recorded delivery post to the applicant a written statement of the reasons for the further decision, taking into account any representations that have been made. The PO shall also send a copy of the statement of reasons to the Secretary General.
3. The PO may extend the period mentioned in paragraph 3 beyond 28 days if he or she is awaiting further information whether from a third party or otherwise.
4. Where the applicant has used these Review Procedures, the date of the PO’s decision for the purposes of Section 7 of Canon 65 shall be the date of the posting of the statement of reasons referred to in paragraph 3 above.

6. If the applicant remains dissatisfied with the decision of the PO after these Review Procedures, he or she may use the Appeal Procedures set out in the document ***Appeals Procedures Following Criminal Records Checks***.