

## **Safeguarding Appeals Procedure**

### **Ground of Appeal**

An applicant who has been informed that, following upon the submission of an application in terms of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the Act”) and consideration of the information issued in the relative Scheme Record a decision has been made they are not regarded as suitable to undertake regulated work (as defined in the Act) with children and young people and/or with protected adults has the right to appeal that decision.

An appeal can be brought only on one or more of the following grounds:

- (a)  
that there were irregularities in the process
- (b)  
that the decision was influenced by incorrect material fact (subject however to the exception noted below in regard to the contents or accuracy of the Scheme Record), or
- (c)  
that the Sub-Committee of the Safeguarding Committee in reaching its decision acted contrary to the principles of natural justice.

Any disagreement as to the contents or accuracy of the Scheme Record information itself cannot be the subject of an appeal under this procedure and will require to be taken up by the applicant direct with Disclosure Scotland through the procedures established by that body.

### **Process for Appeal**

1. Any applicant dissatisfied with the decision shall be entitled to require an independent review of the decision. Such a review must be initiated by the applicant intimating his/her wish to appeal the decision by writing to the Solicitor of the Church (“the Solicitor”) within the timescale indicated when the decision as to their suitability was first intimated to him/her by the Safeguarding Service.
2. The appeal will be determined by an Appeal Group comprising three persons selected by the Solicitor from a Safeguarding Appeal Panel previously appointed by the General Assembly composed of persons with safeguarding and related experience. Having due regard to the need to ensure independent scrutiny of any appeal, none of the Panel shall be current or former employees of any of the employing agencies of the Church nor shall they be current members of the Safeguarding Committee. The Appeal Group will be serviced by the Solicitor or another solicitor from within the Law Department. The Group shall be entitled to require both the applicant and the Safeguarding Service to provide further information and to determine the appeal either on the basis of written submissions only or by holding a hearing.
3. The applicant will be notified of the Appeal Group’s decision in writing normally within four weeks of the written appeal being received by the Solicitor.
4. The Appeal Group will also notify the Safeguarding Service of its decision. The Service will take any necessary action, in line with the Group’s decision.
5. The decision of the Group will be final.