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## Health and Sport Committee Comataidh Slàinte is Spòrs

# Child Protection in Sport



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# Health and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Sport.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/health-committee.aspx>



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# Introduction

1. Following a number of former football players having spoken publicly about allegations of historical child sexual abuse in football we agreed to conduct a short inquiry. We wanted to seek assurances the current safeguards in place across football and other sports clubs are such that child sex abuse in sport could not happen today.
2. This short report considers some of the main themes regarding child protection in sport that arose from the written evidence we received and the oral evidence sessions we held on 7 February, 21 February and 7 March 2017.
3. We are keen to emphasise that we recognise sport as a force for good. Sport can, and does, make a profound and positive impact on the health and wellbeing of individuals, communities and wider society. The protection of children participating in sport is paramount and our work has focused on seeking assurances, protections, policies and practices are now in place in sport institutions to protect them.

## PVG Scheme

4. A focus for our consideration of child protection in sport has been the Protecting Vulnerable Groups (PVG) scheme and how this operates in sporting organisations.
5. The PVG scheme was established by the Protection of Vulnerable Groups (Scotland) Act 2007 and has been in operation since 2011. It is a registration system for all those who work, whether paid or unpaid, with children and protected adults in Scotland to confirm there is no known reason why an individual should not work with these groups. This is achieved by Disclosure Scotland maintaining a list of people who are barred from working with children and a list of people who are barred from working with protected adults.
6. The PVG scheme is intended to ensure people whose behaviour has made them unsuitable to work with children and/or protected adults, cannot undertake what is termed 'regulated work' (see later for an explanation) with these vulnerable groups. When someone applies to join the PVG scheme, Disclosure Scotland carries out criminal records checks and shares the results of those with individuals and organisations who wish to make the appointment.
7. When the PVG scheme was set up it was estimated it would cover 700,000 people. According to the terms of reference for the intended Scottish Government review of the scheme there are currently just over 1.03 million scheme members.

## Tightening the rules

8. Currently participation in the PVG scheme is not mandatory. One of the issues we looked at was whether the rules in this regard should be tightened.
9. In particular, the Committee looked at whether organisations should be required to proactively check individuals who are doing 'regulated work' have not been barred under the PVG scheme.
10. At present, according to Disclosure Scotland, it is not an offence for an organisation to continue to employ somebody if it did not know they were barred. It is only an offence to continue to employ a barred individual if the organisation had been told the individual was barred.
11. The 2007 Act and its regulations make it an offence to:
  - Offer employment to a person who is barred from regulated work
  - To continue to employ someone whom they have been notified is barred.
12. We noted that, according to Disclosure Scotland, it is not necessary to be a PVG scheme member to work with vulnerable groups. It is only an offence for an individual who has been specifically banned under the scheme to undertake this work.
13. We looked at whether the rules should be changed to make it an offence for anyone not a member of the PVG scheme to work with vulnerable groups.

14. Disclosure Scotland told us that in 2016 the Scottish Government had conducted a public consultation on whether to change the provisions so an organisation would be prohibited from permitting a barred person to do regulated work, irrespective of whether or not Disclosure Scotland had told the organisation about the person being barred.
15. This public consultation discussed the risk that maintaining the status quo may prevent the objective of the policy – safeguarding vulnerable people – from being realised. The consultation explained that—

” “Barred individuals, unchecked by their employer through PVG, could continue to do regulated work from which they are barred. Scottish Ministers may not be aware that the individual works for the employer concerned and therefore cannot provide a notification of barring.

While the barred individual would likely commit an offence by continuing in regulated work, detection could be unlikely before an adverse incident occurred. Accordingly the safeguarding intentions underpinning the PVG Scheme, that unsuitable people should not do regulated work, may not be fully realised.”<sup>1</sup>

16. Disclosure Scotland, however, decided not to amend the regulations as over half of respondents indicated they were content with the current approach

” “The outcome was that people thought that the safeguarding that the existing scheme provided was adequate; they did not think that such an offence would add any advantage to the current situation.”

Source: Health and Sport Committee 21 February 2017, Gerard Hart, contrib. 302<sup>1</sup>

17. We put to Disclosure Scotland the concern that the current voluntary nature of the PVG scheme might create a ‘don’t ask, don’t tell’ approach which might discourage organisations from checking on potential employees’ PVG status. In response, Disclosure Scotland noted the PVG scheme is well taken up and used by employers and voluntary organisations. Disclosure Scotland also noted the extent of participation in the scheme, telling us there are over one million scheme members in Scotland which covers a large proportion of regulated work in almost every setting.<sup>2</sup>

18. We also considered whether the PVG scheme might work more effectively if the scheme was not voluntary in nature. One suggestion was that if the PVG scheme was mandatory, this might give much greater impetus to clear the backlog in PVG checks for Scottish Youth Football Association (SYFA) coaches (an issue explored later in this report). Disclosure Scotland told us that currently “we have no statutory powers to compel anyone to use the PVG scheme; it is a non-mandatory scheme”.<sup>3</sup>

## Review of the PVG scheme

19. Mark McDonald, Minister for Childcare and Early Years told us that whether the PVG scheme should be mandatory for people doing ‘regulated work’ was “a

question to which ministers need to give consideration". He suggested he would expect it to be one of the questions asked as part of a forthcoming review of the PVG scheme by the Scottish Government. The Minister told us the review was expected to last around 12 months. Any legislative changes required as a result of the review would be anticipated to be passed by 2019. <sup>4</sup>

20. Following the Minister's appearance at the Committee on 21 February 2017, the Scottish Government announced the terms of reference for its PVG scheme review on 28 February. Consideration of whether the PVG scheme should be mandatory for people doing regulated work was confirmed as part of the terms of reference for the review.

**21. The PVG scheme is an important component of the child protection measures used by sporting organisations. We believe the current statutory obligations under the scheme can make it difficult for people to understand the circumstances in which PVG checks are required to be carried out.**

22. As the Scottish Government's own consultation in 2016 stated, the risk with the current PVG scheme is that a barred individual, unchecked by their employer through the PVG scheme, could continue to undertake regulated work from which they are barred.

**23. Ultimately we believe the current system may not be preventing unsuitable people from doing regulated work. This situation must be rectified.**

24. We are also concerned that because the PVG scheme is a non-mandatory scheme Disclosure Scotland is currently powerless to compel any organisation to use it.
25. We recognise the 2016 consultation found the majority of respondents wished to maintain the current rules. However, we believe that since this time, further information has emerged about the operation of the PVG scheme which merits revisiting the nature of the offences which operate under the scheme.
26. We welcome the announcement made by the Scottish Government, following our evidence sessions, that the terms of reference for the PVG scheme review will include consideration of whether the PVG scheme should be mandatory for people undertaking regulated work.

**27. We believe there is a compelling case for the PVG scheme to be made mandatory and ask the Scottish Government to consider our views and evidence as part of its review.**

- 28. The PVG scheme already has a higher number of members than was envisaged when the scheme began. If further changes are made to the system as a result of our inquiry and the Scottish Government's review this may result in additional PVG checks being required. It is important the resources are provided to deliver an efficient and effective disclosure system. We therefore recommend the Scottish Government ensure its**

**review considers the resource implications for Disclosure Scotland and others of any changes to the system.**

## Variations in the operation of the scheme

29. As part of our inquiry into the PVG scheme we also considered how the system was being used by sporting organisations. In particular we looked at who was being subject to the scheme and how it was operating in practice.
30. As we have discussed, the PVG scheme does not apply to all jobs and volunteering – it only applies to ‘regulated work’. Regulated work involves certain types of work with children and/or protected adults including: undertaking caring responsibilities; teaching or supervising children and/or protected adults; and having unsupervised contact with children and/or protected adults.
31. We found variations in practice between sports clubs and bodies regarding whether or not coaches could work/volunteer in a limited capacity without a PVG check having been completed. The most startling variation in practice existed in football, which we explore in more detail later in the report.
32. Sportscotland explained that some coaches who are classed as working with children are not covered by the definition of regulated work and are therefore not subject to PVG checking. However, sportscotland highlighted there was variation in practice between sporting organisations as some sports will arrange for coaches in these situations to be PVG checked.<sup>5</sup>
33. Sportscotland also explained that other variations in practice could be the result of the application process not commencing until governing bodies have run coach education courses towards the end of a given year. This could lead to a delay in these coaches being PVG checked as it was not until this point that coaches who work with children can be identified and the PVG process commenced.<sup>6</sup>
34. Scottish Swimming told us all its coaches had to be PVG checked. People who are not checked are those not working individually with swimmers but operating as poolside helpers. Poolside helpers work with coaches who are qualified and PVG checked. Scottish Swimming told us that given the current focus on the issue of PVG checking, it would reflect on whether this practice should be allowed to continue.<sup>7</sup>
35. The Minister commented on concerns about these variation in practice. He told the Committee our inquiry had “brought to light some potential issues with regard to how the scheme operates in sporting activity”. He also noted that as a result of our work the remit of the review was being widened to include the Code of Practice for how the scheme operates. The Code of Practice is a requirement for organisations that sign up to using the PVG scheme to ensure it is used correctly and appropriately.<sup>8</sup> The Code of Practice does not relate to whether or not disclosure information should be sought, but rather to the safe handling of the information once it is provided.

36. The Minister told us the review will consider “whether conditions of the code could be strengthened to ensure disclosure checks by all organisations are carried out in line with the expectations of Scottish Ministers”.<sup>9</sup>

**37. We are very concerned that the application of the current PVG scheme results in variations in practice as to whether coaches can work/volunteer in a limited capacity without a PVG check having been completed. The current variations in practice may be affecting the overall value of the PVG scheme as a child protection measure. We therefore welcome the acknowledgement by the Minister for Childcare and Early Years of the value of our inquiry in highlighting some of these issues.**

**38. We also welcome the Minister’s agreement to widen the PVG scheme review to encompass consideration of strengthening the Code of Practice.**

**39. We note it is anticipated the PVG scheme review will last 12 months and any resulting legislative changes passed by 2019. We believe action needs to be taken now to strengthen the scheme. We recommend changes should be made to the Code of Practice at the earliest opportunity to improve the consistency of operation of the current scheme. We ask the Scottish Government to detail in its response to this report given that the Code of Practice only focuses on how disclosure information is handled once it is provided, what changes it can make to it to strengthen the whole schemes operation and when it expects any changes to be implemented.**

## A proportionate approach

40. Volunteer Scotland told us about the importance of maintaining public confidence in the system of protection. They discussed the need for the child protection system to be proportionate in its approach so it benefits all involved including, children, vulnerable groups, families, volunteers and staff. They emphasised the importance of ensuring the child protection system provides an encouraging, safe and positive environment for volunteers.<sup>10</sup>

41. Volunteer Scotland discussed the possible situation that may arise if confidence in the system is lost “If [...] volunteers become afraid of how they will be perceived, or that they will risk accusation then this will affect their willingness to volunteer.”<sup>11</sup>

42. The Minister for Public Health and Sport also referred to the importance of ensuring the disclosure system was proportionate in its approach. She explained it was meant to ensure there was a balance so volunteers did not feel discouraged from participating whilst also ensuring the system provided adequate protections for children.<sup>12</sup>

**43. We recognise a balance needs to be struck between encouraging, volunteering and ensuring child protection. Volunteers are an invaluable part of our sports provision and it is important any changes to child**

**protection retain the confidence of the volunteer workforce. Robust checks need to be carried out in a sensitive way that does not discourage volunteering. We recommend that the Scottish Government involves organisations including Volunteer Scotland in its review of the PVG scheme and ask for further information on how the views of volunteers will be captured during the review.**

# Minimum operating requirements

44. We recognise that the PVG Scheme is just one component of a package of measures used by sporting organisations to protect children.
45. We heard from Children 1st that since 2002 its Safeguarding in Sport service has been working with Scottish Governing Bodies (SGBs) to embed protection from abuse for children taking part in sport. Through Safeguarding in Sport it has developed Minimum Operating Requirements (MORs) for child protection which SGBs must achieve.<sup>13</sup>
46. The Minister for Public Health and Sport explained that MORs set out the broader context in which to create a safe environment for children to enjoy sport.<sup>14</sup>
47. MORs include the following:
  - A named contact for the co-ordination of child protection, with a specific role description, who has attended recommended training
  - A Child Protection Policy which reflects national guidelines and is adopted by the SGB's Board/Executive/Management Committee
  - A Code of Conduct for working with children and young people
  - A variety of child protection training offered at appropriate levels for those working or volunteering with children and young people in sport
  - A procedure for the recruitment and selection of those who work with children and young people including access to PVG scheme membership checks
  - A procedure for responding to concerns about the welfare or abuse of a child – within or outwith sport
  - A disciplinary procedure for managing concerns and allegations of poor practice, misconduct and child abuse, which includes provisions for referrals to the Children's List
  - A procedure for reviewing the management of concerns about poor practice, misconduct and/or child abuse
48. Sportscotland told us work was currently being conducted on revised standards for the MORs. They explained the changes would seek to cover issues of bullying and place the rights of the child at the centre of the approach taken.<sup>15</sup>
49. Aileen Campbell, Minister for Public Health and Sport said the revised standards were currently being piloted by ten sports and "will further strengthen protection of children in sport."<sup>16</sup>
50. We heard from sportscotland that it receives a quarterly update from Children 1st on the status of the eight components of the MORs for each SGB.<sup>17</sup>

51. We explored with sportscotland whether it could apply sanctions to a SGB if it was not meeting its MORs.
52. Sportscotland said it can place conditions on an investment made to a SGB to require it to achieve compliance more quickly. However sportscotland also noted that “applying a heavy sanction, such as withdrawal of funding, could ultimately have a negative impact on the children involved and on the clubs”.<sup>18</sup>
53. Sportscotland explained its objective was to encourage a governing body to comply with the MORs as quickly as possible and it had a number of mechanisms available to support organisations and encourage them to comply with the MORs.<sup>19</sup>
54. We asked sportscotland whether funding was specifically allocated to ensure SGBs met the MORs. Sportscotland told us that investment in governing bodies is not specifically ringfenced for spending on safeguarding children. However, a number of the 52 SGBs receive funding from sportscotland which is ringfenced for Effective Organisation Investment. This investment of over £3 million covers safeguarding issues, anti-doping measures and legal compliance.<sup>20</sup>
55. As we discuss later in this report, in the section on football, concerns have been raised that some bodies affiliated to SGBs are not meeting MORs. We note that sportscotland currently monitors SGBs’ compliance with MORs (through Children 1st) but not the bodies which are affiliated to SGBs.

56. **Our view is that appropriate safeguards to protect children participating in sports must be delivered from the overarching SGB down to every affiliated club, of whatever size, delivering sport to children in the local community.**
57. **We recognise it would be a very resource intensive approach to give responsibility to sportscotland to monitor MOR compliance (through Children 1st) of all the bodies affiliated to SGBs. However, our view is SGBs must be required to do more to ensure they are supporting their affiliated clubs to implement the MORs.**
58. **We recommend the Scottish Government in consultation with sportscotland and Children 1<sup>st</sup> place a requirement in MORs for SGBs to ensure their affiliated bodies are also delivering appropriate safeguarding standards for children. The SGBs must also be able to demonstrate they are proactively assessing and monitoring their affiliated bodies’ compliance with these requirements.**
59. **On the question of whether sportscotland funding should be subject to compliance with MORs, we discuss later in this report the specific situation in relation to football funding and believe this should have wider application to other sports.**
60. **We welcome the further development of the MORs being undertaken by sportscotland and the current piloting of revised standards. We request an update from sportscotland on the outcome of this pilot and whether it expects these standards to be rolled out across all SGBs and over what timescale.**

## Wider review of child protection legislation

61. As well as consideration of the PVG scheme and MORs we also received from NSPCC Scotland a call for a wider review of child protection legislation as it applies to sport.<sup>21</sup>
62. NSPCC Scotland highlighted that section 43 of the Sexual Offences (Scotland) Act 2009 makes it an offence for individuals in specific roles or circumstances – considered as a position of trust – to engage in sexual activity with children under the age of 18.<sup>22</sup>
63. Currently positions of trust are limited to largely formal settings, including institutions, looked after settings, hospitals, care homes and education settings.
64. NSPCC Scotland called for consideration to be given to extending the sexual abuse of trust offence to include those undertaking regulated activity with children, given that roles such as a sports coach can be positions of trust.

65. **We request that in response to this report the Scottish Government provides its view on this suggestion by NSPCC Scotland.**

# Culture

66. A recurring theme in the evidence we have received has been the need to improve how children are valued and the need to put children's wellbeing at the centre of people's thinking.
67. Children 1st state the recent allegations of historical child abuse in sport are "the latest manifestation of society's collective failure to listen to, believe and respond to children who have been abused". The charity points out the culture now being revealed in sport whereby children are ignored or silenced when they try to speak out, is no different to that which has been revealed across wider society.<sup>23</sup>
68. They detail in their written submission the dynamics of child sexual abuse include misuse of power; secrecy; the use of shame and guilt; and an exploitation of the level of cognitive ability which children possess which means they may not understand what is happening to them is wrong. Children 1st state such dynamics may provide a greater opportunity to perpetrate child sexual abuse in sport where a child's success often depends on discipline and compliance and where coaching involves physical contact.
69. As we detail later in this report the Children and Young People's Commissioner for Scotland raises specific concerns regarding the power imbalance and unfair treatment of children involved with football.
70. Police Scotland told the Committee in relation to child abuse allegations "[...] the question that bothers me is whether what has happened in football could happen again in another sport. Sadly I believe it could."<sup>24</sup>
71. Police Scotland went on to state there was a need for a wider discussion about the culture in society that allows child abuse to exist. They called for greater openness in discussing child abuse and the need for a long-term preventative strategy in Scotland.<sup>25</sup>
72. **It is important we have robust child protection measures including the PVG scheme and MORs in place. However we recognise that these are not a panacea to preventing child abuse. We need to foster a culture in which child abuse is discussed more openly. We recognise and support the call for a need to improve how children are valued and that children's wellbeing must be placed at the centre of people's thinking. These are difficult and challenging issues which we all have a duty to seek to address.**

## Future progress

73. The Minister for Public Health and Sport told the Committee she would be hosting a roundtable discussion to consider how the PVG scheme works for sports organisations and what more could be done to support them in order to protect children.<sup>26</sup>
74. The roundtable discussion will involve the Minister for Childcare and Early Years and partners including Police Scotland, sportscotland, the National Society for the Prevention of Cruelty to Children in Scotland, Children 1st, the Centre for Excellence for Looked After Children in Scotland, Disclosure Scotland, and some of the sports' governing bodies. The event is to be hosted by Professor Kay Tisdall, an academic expert in children's rights and policy.
75. The Minister also explained she would be writing to all 52 sport governing bodies to ask them to reflect on their current policies and practices on child protection and to offer to work together to further develop the child protection system.<sup>27</sup>

76. **We welcome the steps taken by the Scottish Government since we started our inquiry work on child abuse in sport. We request that the Scottish Government responds to this report by providing details of the outcome of the roundtable session and any actions agreed as a result. We also ask the Scottish Government to provide information on any actions it takes as a result of its correspondence with the sport governing bodies about developing the child protection system.**

# Football

77. As part of our inquiry we sought and received evidence from both the Scottish Football Association (SFA) and the Scottish Youth Football Association (SYFA) who are an affiliate organisation of the SFA. While our remit in this inquiry is restricted to consideration of the current protections in place across sport in Scotland such are our concerns based on the evidence we received we report in this chapter specifically on the position with football.

## SYFA

78. During the evidence sessions on 7 February and 7 March the SYFA gave evidence relating to their numbers of members, players and officials. The figures and dates given varied throughout the sessions. The following summarises what we were told as well as including detail provided by the Scottish Government at our session on 21 February (where available we also show figures provided to us by Disclosure Scotland):

### Current membership

15,433 officials

60,000 players<sup>28</sup>

### Numbers of PVG checks undertaken

The SYFA indicated they have an annual churn in officials of 30-40%<sup>29</sup> (roughly 4,600-6,000) equating to 400-500 per month mainly occurring in February and August.

The SYFA indicated they undertake 800-1000 checks per month<sup>30</sup> and the overall total number of PVG checks undertaken in the period from inception of PVG in February 2011 was 16,617<sup>31</sup> (roughly 2,800 per year). *The numbers of applications made, based on records held by Disclosure Scotland is 17,194 to the end of February 2017, an average of 2,866 per full year or 239 per month.*<sup>32</sup>

79. On 7 March SYFA indicated they would process 5,000-6,000 forms “this year”<sup>33</sup> and carry out 800-1,000 checks per month.<sup>34</sup> *We note from the figures supplied to us by Disclosure Scotland that until 2017 in no single month have they ever approached this monthly number. Excluding 2017 the highest number of checks approved in one month was 514.*

## PVG Backlog figures for the SYFA

80. The BBC reported on 13 December 2,500 coaches working in youth football had not been PVG checked based on figures supplied by the BBC.<sup>35</sup>

81. The outstanding number of officials requiring PVG checks on 7 February 2017 was 949.<sup>36</sup>
82. The number of outstanding checks on 7 March, in respect of the previous backlog was Nil<sup>37</sup> with all officials from 2016/17 “cleared up via the backlog.”<sup>38</sup> 488 officials had been placed on a precautionary suspension “in respect of the backlog”.<sup>39</sup>
83. The outstanding number of PVG checks was 1,170 on 7 March 2017, all in relation to new members who joined in February for season 2017-18.<sup>40</sup> *We note this statement regarding February does not correspond with the churn rate above nor is it reflected in throughput to Disclosure Scotland in any preceding year.*
84. It is likely those officials suspended at the end of February are included in the extremely high total of 1,922 applications submitted during March 2017.
85. A compliance review by Disclosure Scotland in September 2016 reported a backlog of 186.<sup>41</sup>
86. Concerns were expressed about the size of the backlog within the SFA “in the middle” of 2016.<sup>42</sup>
87. We understand that in the month of March, to 30 March, 1,760 applications from SYFA were received for checking by Volunteer Scotland Disclosure Services (VSDS). This further confuses the overall picture we were provided although it may suggest, when compared to monthly numbers in previous years, action to address outstanding applications is finally being taken.

**88. It is clear the information provided to us was not consistent, in relation to the rate of churn and the number of checks undertaken. The SYFA have exaggerated annual throughput (churn) and sought to mislead in relation to the number of applications they process. They have also misled government officials and the committee in relation to the levels of backlog being experienced since at least August 2016.**

## **Governance and the relationship between the SFA and SYFA**

89. The SFA have insisted throughout the SYFA is an autonomous organisation but affiliated to the SFA. We were interested in how this arrangement worked and the extent to which the SFA was able to influence and direct the action of the SYFA.
90. We were advised each affiliate member “has its own constitution, rules, regulations and board and is responsible for managing its own business.”<sup>43</sup> Management of affiliates is through a set of articles and rules. Independent audits were introduced in mid 2015 to “tighten up on governance” and policies and procedures have been initially reviewed. This was explained as being “soft-touch” to ensure policies were in place as opposed to being implemented.

91. In early 2014 the SFA felt concerned enough about its responsibilities in relation to child protection to commission an independent audit which led to the appointment of a Child Wellbeing and Protection Manager in August 2014. Following this the SFA introduced a series of measures and protections to improve their approach. The SFA explained to us in relation to affiliated members their responsibility was to provide guidance.<sup>44</sup>
92. In October 2016 the SFA determined “greater consistency should be sought” in relation to child protection measures and agreed a Directive to be implemented by all of its members. The Directive required inter-alia adoption and implementation of SFA Child and Wellbeing policy documents, the appointment of a child wellbeing and protection officer or safeguarding officer as well as the requirement for PVG checking of all coaches and adults in regulated work with children.<sup>45</sup>
93. Compliance with the Directive is being phased in with a deadline of 30 June 2017 for all affiliated bodies to appoint a child wellbeing and protection officer or safeguarding officer.

**94. We note the relationship between the SFA and SYFA and the measures being adopted to ensure child protection policies are in place many years after the requirements were put in place. These are welcomed and we hope will be rigorously implemented. A soft touch approach may have been previously warranted, however it is clear from the evidence we have received this is no longer applicable. The SFA have, whatever they claim, responsibilities. The current approach is simply not working effectively to protect children and young people in football and in our view the ultimate responsibility for this lies with the SFA as the governing body. The SFA have the procedures and powers available to them and we expect future appropriate functional procedures to be implemented immediately, monitored closely and current failings eradicated.**

## Offers of assistance to the SYFA

95. In February 2015 the SFA “offered support on child protection matters to the SYFA which was rejected in favour of further financial support.”<sup>46</sup> The SYFA explained the reason for this later in the session.<sup>47</sup>
96. We also heard of various attempts to provide support to the SYFA once details of their backlog of applications became known.
97. In September 2016 Disclosure Scotland offered assistance on an informal basis in clearing what was thought to be a small backlog.<sup>48</sup> It appears that offer was not accepted.
98. In December 2016 and again in January 2017 as details of a larger backlog emerged Disclosure Scotland and Volunteer Scotland offered support and assistance “in getting the outstanding PVG checks completed and submitted as

soon as possible”<sup>49</sup>. This too was rejected as being “not the type of assistance required at that time”.<sup>50</sup>

99. In February 2017 following Ministerial intervention offers of assistance to work from Disclosure Scotland and VSIDS on training programmes was accepted. The SYFA explained in evidence on 7 March why previous offers were the wrong type of assistance.<sup>51</sup>
100. Throughout our inquiry Mr Little the Chief Executive of the SYFA, in particular has sought to avoid responsibility and blame others for the failings and inadequacies of the organisation he leads. As a further example when asked about the processing of forms he claimed on 7 February restrictions placed by Disclosure Scotland on the number of forms he could submit was a “big difficulty”.<sup>52</sup> While initial restrictions in numbers were in place from October 2012 until 20 October 2015 the limit varied from 250 initially to 500 latterly and applied only to retrospective applications. There was no limits in place for new volunteers/staff.

**101. We are pleased that finally some offers of assistance have been accepted although disappointed the gravity of the situation was not appreciated earlier.**

## Cost of administration

102. The cost of applying for a PVG check to Disclosure Scotland is free although in relation to volunteers the SYFA advised their annual cost of administering applications for their membership was £70,000. This comprised “of salaries, volunteer costs and sundry items e.g. postage”<sup>53</sup> (out of an annual turnover figure advised to us as being £400,000<sup>54</sup>). The breakdown of this administration cost was explored extensively during our meeting on 7 March and information on their system for processing applications considered, based on the SYFA figure of 5,000-6,000 forms annually. We recognise the potential overall value accrued by the SYFA adopting a centralised approach to processing applications.
103. The SYFA indicated they receive no direct financial support from government, sportscotland or the SFA to meet the above administrative costs.<sup>55</sup> The SFA does, however, receive funding from sportscotland, including lottery money with a total investment into the SFA for financial year 2016-17 is £1,325,000. That figure includes “effective organisation investment”, which as indicated earlier, is partly designed to underpin “robust organisations”, covering safeguarding, anti-doping and legal compliance.<sup>56</sup>
104. In relation to the above award, given to the SFA as a governing body, we heard from sportscotland it is mainly left to the SFA to determine exactly how it is deployed and where it can have the best impact. There is an expectation some will go into checks, compliance activity is expected from governing bodies.<sup>57</sup>

105. The SFA indicated on 7 March <sup>58</sup> they have given £0.25m of “unconditional financial support” to the SYFA over the last 6 years.
106. In addition to the above the SFA also receives almost £1m<sup>i</sup> through Cashback to Communities funding. We did not explore the conditions underpinning such awards.
107. While we note the evidence from sportscotland around the conditions of grant we consider these to have proved wholly inadequate. **We recommend an urgent review of conditions surrounding any future money provided to the SFA. We expect future grants, including cashback awards, will be conditional on adequate procedures not only being in place but being timeously adhered to. Those providing grants are accountable for the disbursement of public money and their current arrangements have clearly proved inadequate in relation to football. The responsibility for this failure in football in the case of the SYFA, however, lies in our view ultimately with the SFA.**

## Power imbalance

108. We heard from the Children and Young People's Commissioner for Scotland about his ongoing concerns around what he termed “a power imbalance” in the relationship between professional football clubs and children and young people. This imbalance was unique to football and arose he stated “as it was in the club’s vested interests to have complete control of the children” <sup>59</sup> adding “everything is done to the advantage of the professional football clubs and to the disadvantage of the children involved”.
109. The Commissioner acknowledged the existence of SFA procedures and directives while noting the culture in football had not changed with professional football clubs having control over children. <sup>60</sup> He further noted similar concerns around “agents” who act on behalf of children, adding such people were not covered by the need for child protection checks. <sup>61</sup> We note the question around agents will be considered by the independent review established by the SFA into historical child sex abuse allegations in football.
110. We understand there may be legislative impediments to the PVG checking of agents principally in relation to their employment and contractual status which precludes the SFA from seeking checks. **This anomaly requires to be addressed and rectified immediately by the Scottish Government to prevent agents who have not been through the full disclosure procedure having access to and contact with children and young people.**
111. In relation to a power imbalance the SFA recognised concerns and indicated they had taken a variety of actions to alleviate these. Working with the Public Petitions

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i [1] £845,457 in 2015/16. SFA included in Phase 4 programme running from 1 April 2017 to 31 March 2020.

Committee (who continue to investigate an extant petition in this area) they indicated changes to registration procedures and the creation of a young players wellbeing panel. Albeit no cases have been taken to the panel whose role would be to mediate the training compensation process in the best interests of the young player.<sup>62</sup>

112. Since 2010 the SFA indicated they have made a number of changes to their procedures to address such issues. On 7 March the chief executive of the SFA stated “I do not believe there is a power imbalance”<sup>63</sup> indicating “processes and procedures are in place”. **We do not accept that statement as being credible.**
113. The Minister for Public Health and Sport told us “As the governing body, the SFA has a role in ensuring that children who want to play football are able to participate safely in a safe environment”<sup>64</sup>. **We would go further, this must be an absolute and overriding duty of the SFA including the eradication of any perception of a power imbalance. We consider this to be an imperative and recommend if this is not forthcoming from the football authorities legislative change is required. Given the Public Petitions Committee have been considering this issue since 2010 we consider only limited further time for the delivery of tangible change should be allowed.**
114. **We cannot even now be confident that the SYFA is being truthful in relation to the size of their backlog and consequently that as an organisation they are committed to undertaking the appropriate PVG checking expeditiously. We consider the SFA to have been asleep on the job and continuingly complacent in this area. Based on the information provided, we are left with concerns about the current protections being afforded to youth footballers in Scotland.**

# Annexe A - Minutes of Meeting

## 15th Meeting, 2016 (Session 5), Tuesday 12 December 2017

1. **Work programme (in private):** The Committee considered and agreed its work programme.

## 4th Meeting, 2017 (Session 5), Tuesday 7 February 2017

4. **Child Protection in Sport:** The Committee took evidence from—

- Fraser Wishart, Chief Executive, Professional Football Association Scotland;
- Andrew McKinlay, Chief Operating Officer, and Donna Martin, Child Protection and Safeguarding Manager, Scottish Football Association; and
- David Little, Chief Executive, Scottish Youth Football Association;

and then from—

- Mary Glasgow, Director of Children and Family Services and External Affairs, Children 1st;
- Lauren Bruce, Policy Manager: Education, Children & Young People Team, COSLA;
- Tam Baillie, Commissioner, Children and Young People's Commissioner Scotland;
- Matt Forde, National Head of Service, National Society for the Prevention of Cruelty to Children (NSPCC) Scotland;
- John Hawkins, Assistant Chief Constable, Police Scotland;
- Kim Atkinson, Chief Executive Officer, Scottish Sports Association;
- Forbes Dunlop, Chief Executive Officer, Scottish Swimming;
- John Lunn, Head of Pathways, sportscotland; and
- George Thomson, Chief Executive Officer, Volunteer Scotland.

5. **Child protection in Sport (in private):** The Committee considered the main themes arising from the oral evidence heard earlier in the meeting and agreed to invite the relevant Scottish Government Ministers to give oral evidence to the Committee.

## 5th Meeting, 2017 (Session 5), Tuesday 21 February 2017

8. **Child Protection in Sport:** The Committee took evidence from—

- Aileen Campbell, Minister for Public Health and Sport, and Mark McDonald, Minister for Childcare and Early Years, Scottish Government;
- Gerard Hart, Director of Protection Services and Policy, Disclosure Scotland; and
- John Lunn, Head of Pathways, sportscotland.

**9. Child Protection in Sport (in private):** The Committee considered the main themes arising from the oral evidence heard earlier in the meeting. The Committee agreed to invite the Scottish Youth Football Association and Scottish Football Association to give follow up evidence at a future meeting.

#### **6th Meeting, 2016 (Session 5), Tuesday 7 March 2017**

**1. Child Protection in Sport:** The Committee took evidence from—

- Stewart Regan, Chief Executive, and Andrew McKinlay, Chief Operating Officer, Scottish Football Association; and
- David Little, Chief Executive, Scottish Youth Football Association.

**3. Child Protection in Sport:** The Committee considered the main themes arising from the oral evidence heard earlier in the meeting.

#### **8th Meeting, 2017 (Session 5), Tuesday 21 March 2017**

**5. Child protection in sport:** The Committee considered and agreed its approach to produce a report on the findings of its work.

#### **10th Meeting, 2016 (Session 5), Tuesday 18 April 2017**

**6. Child Protection in Sport (in private):** The Committee considered a draft report and agreed to sign off the report by correspondence.

# Annexe B - Evidence

## Written Evidence

- [Children 1st](#)
- [Children and Young People's Commissioner Scotland](#)
- [NSPCC Scotland](#)
- [Professional Football Association Scotland](#)
- [Police Scotland](#)
- [Scottish Sports Association](#)
- [Scottish Football Association](#)
- [sportscotland](#)
- [Scottish Youth Football Association](#)
- [Volunteer Scotland](#)

## Additional Written Evidence

- [Disclosure Scotland correspondence with SFA and SYFA re: PVG scheme](#)
- [Letter from the Minister for Childcare and Early Years to the Convener](#)

## Official Reports of Meetings

- [Tuesday 7 February 2017](#) - Evidence from stakeholders
- [Tuesday 21 February 2017](#) - Evidence from stakeholders and Ministers
- [Tuesday 7 March 2017](#) - Evidence from stakeholders

# Annexe C - Applications sent to Volunteer Scotland by Scottish Youth Football Association

## APPLICATIONS SENT TO VOLUNTEER SCOTLAND BY THE SCOTTISH YOUTH FOOTBALL ASSOCIATION

Month	Applications per year						
	2011	2012	2013	2014	2015	2016	2017
Jan	n/a	121	205	237	189	180	684
Feb	n/a	102	110	94	157	320	798
Mar	0	215	326	249	409	120	
Apr	0	245	252	330	257	322	
May	0	124	246	168	231	163	
Jun	0	183	291	42	121	360	
Jul	17	186	312	253	277	401	
Aug	11	1	288	272	206	282	
Sep	90	60	239	0	120	0	
Oct	259	449	410	514	442	399	
Nov	117	270	334	382	521	340	
Dec	181	230	339	281	440	420	
<b>Total</b>	<b>675</b>	<b>2186</b>	<b>3352</b>	<b>2822</b>	<b>3370</b>	<b>3307</b>	<b>1482</b>

Source: Disclosure Scotland

- [1] Health and Sport Committee 21 February 2017, Gerard Hart, contrib. 302,  
<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10807&c=1977728>

- 1 Disclosure Scotland. (2016) *The Protection of Vulnerable Groups (Scotland) Act 2007: Section 35(2) and (3) The Protection of Vulnerable Groups (Scotland) Act 2007 (Removal of Barred Individuals from Regulated Work) Regulations 2010 Analysis of Consultation Responses* .
- 2 Health and Sport Committee. *Official Report, 21 February 2017*, Col 67.
- 3 Health and Sport Committee. *Official Report, 21 February 2017*, Col 62-63.
- 4 Health and Sport Committee. *Official Report, 21 February 2017*, Col 68.
- 5 Health and Sport Committee. *Official Report 7 February 2017*, Col 30.
- 6 Health and Sport Committee. *Official Report 7 February 2017*, Col 30.
- 7 Health and Sport Committee. *Official Report 7 February 2017*, Col 29.
- 8 Health and Sport Committee. *Official Report, 21 February 2017*, Col 53.
- 9 Health and Sport Committee. *Official Report, 21 February 2017*, Col 53.
- 10 Volunteer Scotland, Written submission.
- 11 Volunteer Scotland. Written submission. Health and Sport Committee. *Official Report, 7 February 2017*, Col 32.
- 12 Health and Sport Committee. *Official Report, 21 February 2017*, Col 58.
- 13 Children 1st. Written submission.
- 14 Health and Sport Committee. *Official Report, 21 February 2017*, Col 64.
- 15 Health and Sport Committee. *Official Report 7 February 2017*, Col 33.
- 16 Health and Sport Committee. *Official Report 21 February 2017*, Col 54.
- 17 Health and Sport Committee. *Official Report 7 February 2017*, Col 33.
- 18 Health and Sport Committee. *Official Report 7 February 2017*, Col 33.
- 19 Health and Sport Committee. *Official Report 7 February 2017*, Col 33.
- 20 Health and Sport Committee. *Official Report, 7 February 2017*, Col 33.
- 21 NSPCC Scotland. Written submission.
- 22 NSPCC Scotland. Written submission.
- 23 Children 1st. Written submission.
- 24 Health and Sport Committee. *Official Report, 7 February 2017*, Col 38.
- 25 Health and Sport Committee. *Official Report, 7 February 2017*, Col 38.
- 26 Health and Sport Committee, *Official Report 21 February 2017*, Col 54-55.

- 27 Health and Sport Committee, *Official Report 21 February 2017*, Col 55.
- 28 Health and Sport Committee. *Official Report, 7 February 2017*, Col 13.
- 29 Health and Sport Committee. *Official Report, 7 February 2017*, Col 13-14.
- 30 Health and Sport Committee. *Official Report, 7 February 2017*, Col 14.
- 31 Health and Sport Committee. *Official Report, 7 February 2017*, Col 16.
- 32 *Applications for PVG Checks sent to Volunteer Scotland by the Scottish Youth Football Association (see Annexe C)*
- 33 Health and Sport Committee. *Official Report, 7 February 2017*, Col 16.
- 34 Health and Sport Committee. *Official Report, 7 February 2017*, Col 14.
- 35 BBC Scotland [No checks on 2,500 youth football coaches](#)
- 36 Health and Sport Committee. *Official Report, 7 February 2017*, Col 16.
- 37 Health and Sport Committee. *Official Report, 7 March 2017*, Col 13.
- 38 Health and Sport Committee. *Official Report, 7 March 2017*, Col 15.
- 39 Health and Sport Committee. *Official Report, 7 March 2017*, Col 14.
- 40 Health and Sport Committee. *Official Report, 7 March 2017*, Col 13.
- 41 Health and Sport Committee. *Official Report, 21 February 2017*, Col 62.
- 42 Health and Sport Committee. *Official Report, 7 March 2017* Col 7.
- 43 Health and Sport Committee. *Official Report, 7 March 2017*, Col 9.
- 44 SFA. Written submission.
- 45 SFA. Written submission.
- 46 Health and Sport Committee. *Official Report, 7 March 2017*, Col 2.
- 47 Health and Sport Committee. *Official Report, 7 March 2017*, Col 3.
- 48 Health and Sport Committee. *Official Report, 21 February*.
- 49 Health and Sport Committee. *Official Report 21 February 2017 . Disclosure Scotland correspondence with SFA and SYFA re: PVG scheme.*
- 50 Health and Sport Committee. *Official Report 21 February 2017*.
- 51 Health and Sport Committee. *Official Report, 7 March 2017*, Col 6.
- 52 Health and Sport Committee. *Official Report, 7 February* Col 22.
- 53 Health and Sport Committee. *Official Report, 7 March 2017*, Col 3.
- 54 Health and Sport Committee. *Official Report, 7 March 2017*, Col 21.

- 55 Health and Sport Committee. Official Report, 7 February 2017, Col 19.
- 56 Health and Sport Committee. Official Report, 7 February 2017, Col 23.
- 57 Health and Sport Committee. Official Report, 7 February 2017, Col 34.
- 58 Health and Sport Committee. Official Report, 7 March 2017, Col 2.
- 59 Health and Sport Committee. *Official Report, 7 February 2017, Col 34.*
- 60 *Health and Sport Committee. Official Report, 7 February 2017, Col 36.*
- 61 Health and Sport Committee. *Official Report, 7 February 2017, Col 35.*
- 62 Health and Sport Committee. *Official Report, 7 February 2017, Col 9-10*
- 63 Health and Sport Committee. *Official Report, 7 March 2017, Col 22.*
- 64 Health and Sport Committee. *Official Report, 21 February 2017, Col 61.*

