

Briefing for the Public Petitions Committee

Petition Number: [PE01811](#)

Main Petitioner: Ken White

Subject: Independent sport ombudsman

Calls on the Parliament to urge the Scottish Government to establish an independent sports ombudsman to –

- provide a duty of care to all participants, coaches, officials, support staff, volunteers and clubs, ensuring all are treated fairly and without prejudice; and
- review and arbitrate on disputes with Scottish Governing Bodies (SGBs)

Background

The petitioner seeks the formation of an independent sports ombudsman for Scotland citing concerns over the accountability of Sports Governing Bodies (SGBs).

The petitioner cites personal experiences in which they believe SGBs have mishandled complaints and issues such as:

- SGBs not notifying clubs of player suspensions;
- a lack of welfare support for suspended players;
- concerns over the independence of appeals panels; and
- no process for complaining about SGB handling of appeals.

The petitioner refers to the [The Duty of Care in Sport: Independent Report](#) to Government recommendation for a sports ombudsman. This report is explored in the next section of this briefing.

Duty of Care Review

In December 2015, as part of the UK government's Sporting Future strategy, the UK Minister for Sport asked Baroness Tanni Grey-Thompson to conduct an independent review into the "Duty of Care" sport has towards its

participants. In the consultation phase, Tanni Grey-Thompson and her review panel took a:

“deliberately broad definition of ‘Duty of Care’ – covering everything from personal safety and injury, to mental health issues, to the support given to people at the elite level.”

[The Duty of Care in Sport Report \(DoC in Sport Report\)](#) was presented to and published by the Department of Digital, Media, Culture and Sport (DMCS) in April 2017.

The DoC in Sport Report made seven “Priority Recommendations”, the first of which was the creation of a Sports Ombudsman:

“The government should create a Sports Ombudsman (or Sports Duty of Care Quality Commission). This organisation should have powers to hold national governing bodies (NGBs) to account for the Duty of Care they provide to all athletes, coaching staff and support staff, providing independent assurance and accountability to address many of the issues covered by this review.”

The priority given to an Ombudsman was related to a key recommendation of the DoC in Sport Report: that national governing bodies (NGBs) should have, as a mandatory condition of future funding, a nominated, Board-level guardian responsible for issues relating to Duty of Care in sport.

Accordingly, the DoC in Sport Report recommended that in order to hold NGBs to account in this regard:

“...consideration should be given to creating a Sports Ombudsman (or Duty of Care Quality Commission) to provide third party assurance. This should be separate from UK Sport (the organisation that allocates both elite funding and medal targets to NGBs) to ensure operational independence in upholding Duty of Care principles to all participants and to maintain public confidence that sport is conducted ethically.”

[During a House of Lords debate on 8 May 2019](#), Viscount Younger of Leckie stated the following in response to questions about establishing a sports ombudsman:

“I want to move to the interesting comments made by the noble Baroness, Lady Grey-Thompson, who asked whether there was progress towards having an ombudsman and what the latest was on the Ministry of Justice’s work on positions of trust in sport. We recognise that dispute and grievance processes in sport need appropriate levels of independence, so the Minister for Sport is considering the issue of a potential ombudsman.”

Sports ombudsman elsewhere

There are examples both nationally and internationally of sport related ombudsman:

- [The Independent Football Ombudsman \(IFO\)](#) is a sport specific ombudsman. It is appointed by the Football Association, the Football League and the Premier League (football authorities), in consultation with the Department for Culture, Media and Sport. The IFO provides independent external scrutiny of complaints within a transparent, accountable and effective system of self-regulation by the football authorities.
- [The United States Olympic & Paralympic Committee \(USOPC\) Athlete Ombudsman](#) is a product of US federal law and has been in existence since March 1999. The purpose of the Athlete Ombudsman is to serve athletes by offering cost-free, confidential and independent advice regarding opportunities and rights to participate in protected competition, and the various policies and procedures associated with participating in sport at an elite level.
- [The Sport Dispute Resolution Centre of Canada \(SDRCC\)](#) is not an ombudsman but its Resolution Facilitation (RF) process is Ombudsman-like: Resolution facilitation is an assistance process that allows the parties involved in a dispute to communicate more effectively and work towards an agreement. The resolution facilitator is a neutral “process manager”, whose role is to try to help the parties to better communicate with each other and to resolve their dispute through an amicable settlement. Should such a settlement not be possible, the resolution facilitator helps the parties understand the other options offered by the SDRCC to settle the dispute.

Scottish Government Action

The Scottish Government has not considered establishing an independent sports ombudsman for Scotland.

Scottish Parliament Action

The Scottish Parliament has not considered an independent sports ombudsman for Scotland.

Damon Davies

Researcher

[23/07/2020]

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