



Written Submission to:

**Education and Skills Committee
Disclosure (Scotland) Bill**

19 August 2019



Introduction

RYA Scotland is the recognised governing body in Scotland for all forms of dinghy and yacht racing, motor and sail cruising, RIBs and sports boats, windsurfing, canal boats, and personal watercraft. We refer to these disciplines collectively as 'boating'.

Our purpose is '**to promote and protect safe, successful and rewarding boating in Scotland**'. We represent a community of about 70,000 people actively engaged in boating activity in Scotland, over 20,000 of whom are volunteers and members of RYA affiliated clubs. We support nearly 300 local clubs and RYA recognised training centres, the majority of which are within Scotland's coastal communities and inland waterways.

RYA Scotland is volunteer-led, with up to 30 volunteers engaged in our committee structure at any one time and has a professional staff of 12.

Background

The community we represent draws interest from people of all social and economic backgrounds for whom boating is their sport, recreation or business. These boating interests encompass vessels of many forms whether this be a large motor yacht in a marina, a small sailing dinghy maintained in the garden or a canal boat based in one of Scotland's inland waterways. Together these interests contribute to the club infrastructure of Scottish sport, the growth of an established industry around marine trades, marine tourism and the economy of the country.

Our affiliated clubs can be found across the country, from Solway to Shetland, Lewis to Loch Lomond, Stonehaven to Cumbernauld, Oban, Largs, Montrose, Barra or Plockton.

Wherever they are located, our clubs rely on an enormous volunteer workforce, many of whom deliver instruction or coaching to new participants or learners in our sport. In common with many sports and recreational activities, the activities our volunteers are engaged in include those that are considered 'regulated' and require individuals to have membership of the PVG scheme.

This workforce includes young people under the age of 16, developing leadership skills and experience as Assistant Instructors, working towards formal qualifications.

We value highly the contribution of young people to our activities and the development of others in our sport. We see our role as providing a safe and supportive environment for these young people to develop as successful learners, confident individuals, responsible citizens and effective contributors within the immediate community of their club and in a wider sense as they become young adults engaged in broader community activity. Our investment in their development opportunities helps bring new participants to our sport, secures the future volunteer workforces of our clubs and provides the volunteers of the future for our own governance and programme delivery at a national and international level.

Whilst RYA Instructor and Coach qualifications have a minimum age of 16, the site-specific role of Assistant Instructor, which is open to people of any age who are already competent sailors, enables young people to assist in teaching younger or less experienced children under the supervision of another qualified Instructor. They gain valuable experience which will help them to progress to becoming qualified instructors or coaches when they are 16 or over, leadership skills that are highly valued across other award schemes such as Duke of Edinburgh's Awards and confidence in working with teams and groups of other people.

We believe the opportunities for developing life skills prevalent in club structures of all sports and particularly those of sailing and boating clubs, have greater and longer lasting impact than those provided through formal education.

Overview

RYA Scotland welcomes the opportunity to offer comment on the Disclosure (Scotland) Bill. We agree with the entirety of the Bill and the sentiment of its introduction.

Our concerns lie with;

- The position of volunteers under the age of 16, specifically the contradiction between the requirement to ensure that a volunteer is a Scheme member if the role is regulated, and an under 16 undertaking a similar role not being permitted to join the Scheme and
- the lack of a definition of supervision.

Comment

Schedule 3, Part 2, of the Bill lists as Regulated Roles with Children under 'Leisure Activities':

- Being engaged in the provision of cultural, leisure, social or recreational activities for children
- Coaching children in relation to sports or physical activity.

These Roles would clearly include those providing instruction or coaching in sailing, windsurfing and powerboating, or organising activities, whether in a paid or voluntary capacity, at RYA affiliated clubs and RYA recognised training centres.

It is clear from the proposals that membership of the PVG Scheme will become mandatory for individuals engaged in roles which are regulated and RYA Scotland is in agreement with this.

It is currently also proposed that a person age under 16 will not be permitted to join the PVG Scheme, or to obtain a Disclosure at any level except in exceptional circumstances where Ministers will have discretion to allow a Disclosure to be issued to a person aged 12 or over. We have concerns that this implies and will be most likely to be interpreted to mean, young people under 16 cannot undertake regulated roles.

It is also suggested in the Q&A documentation provided by Disclosure Scotland that the Bill will not apply to those under 16, the implications of which were not discussed at the Disclosure Scotland presentation to sport governing bodies in July 2019, but would suggest that there is no intention to preclude those under 16 from undertaking regulated roles. ***This is by no means obvious.***

There is a lack of clarity in the messages from the information being promoted. We believe the contradiction between a club being required to ensure that a volunteer is a Scheme member if the role is regulated and an under 16 undertaking a similar role not being permitted to join the Scheme will create confusion. This could well deter clubs from involving young volunteers and, as a consequence, adversely affect the opportunities for young people instructing and coaching in our club based activities as well as those of other sports with similar developmental roles.

We believe a much clearer and supportive statement is required to ensure young people under the age of 16 are not precluded from undertaking volunteer roles which would be regulated for those over 16.

Further – the application of 'supervision' for occasional volunteer roles and those under the age of 16, such as Assistant Instructors, is a regular component of many club based activities and not unique to our sport or sector. The Bill and the information around it does not provide enough detail on what should be considered 'direct supervision'.

The Bill needs to provide clarity on what is considered to be 'direct supervision', do so in terms that are sufficiently flexible to encompass the breadth of activity that includes a range of outdoor sports and pursuits and allow for 'experiential learning' to be genuine.

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