



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Health and Sport Committee

**Tuesday 7 February 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**Tuesday 7 February 2017**

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**HEALTH AND SPORT COMMITTEE**

**4<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Neil Findlay (Lothian) (Lab)

**DEPUTY CONVENER**

\*Clare Haughey (Rutherglen) (SNP)

**COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)  
\*Miles Briggs (Lothian) (Con)  
\*Donald Cameron (Highlands and Islands) (Con)  
\*Alex Cole-Hamilton (Edinburgh Western) (LD)  
\*Alison Johnstone (Lothian) (Green)  
\*Richard Lyle (Uddingston and Bellshill) (SNP)  
\*Ivan McKee (Glasgow Provan) (SNP)  
\*Colin Smyth (South Scotland) (Lab)  
\*Maree Todd (Highlands and Islands) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Kim Atkinson (Scottish Sports Association)  
Tam Baillie (Children and Young People's Commissioner Scotland)  
Lauren Bruce (Convention of Scottish Local Authorities)  
Forbes Dunlop (Scottish Swimming)  
Matt Forde (National Society for the Prevention of Cruelty to Children (NSPCC) Scotland)  
Mary Glasgow (Children 1st)  
Assistant Chief Constable John Hawkins (Police Scotland)  
David Little (Scottish Youth Football Association)  
John Lunn (sportscotland)  
Donna Martin (Scottish Football Association)  
Andrew McKinlay (Scottish Football Association)  
George Thomson (Volunteer Scotland)  
Fraser Wishart (PFA Scotland)

**CLERK TO THE COMMITTEE**

David Cullum

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Health and Sport Committee

Tuesday 7 February 2017

*[The Convener opened the meeting in private at 09:30]*

10:00

*Meeting continued in public.*

### Decision on Taking Business in Private

**The Convener (Neil Findlay):** Good morning and welcome to the fourth meeting in 2017 of the Health and Sport Committee. I ask everyone in the room to ensure that their mobile phones are on silent. It is acceptable to use mobile devices for social media, but please do not take photographs or film proceedings.

As can be seen from our agenda, items 1 and 2 were held in private. We have covered those items, so we now move on to agenda item 3. Do we agree to consider in private under item 7 and at future meetings a draft letter to the Scottish health council? Such items are usually taken in private.

**Members** *indicated agreement.*

**The Convener:** Thank you.

I understand that one of our witnesses has been delayed—I do not know whether it is because of a travel issue or something else—so I suggest that I suspend the meeting until he arrives. Do members agree to that? I hope that it will be a short suspension.

**Members** *indicated agreement.*

10:01

*Meeting suspended.*

10:06

*On resuming—*

### Child Protection in Sport

**The Convener:** Agenda item 4 is two evidence sessions on child protection in sport. In the first, we will look specifically at football. I make everyone aware that the Parliament's photographer will be taking photographs during the session.

I welcome to the committee Fraser Wishart, chief executive of PFA Scotland; and Andrew McKinlay, chief operating officer, and Donna Martin, child protection and safeguarding manager, at the Scottish Football Association. David Little, chief executive of the Scottish Youth Football Association, is stuck somewhere on the M8. I hope that he will join us at some point, but we will proceed, because we do not know his precise location.

I remind members and witnesses that, for the purposes of the standing order rule on sub judice, no mention should be made during this evidence session of any live, on-going cases or any issues that might prejudice such cases.

Maree Todd has the first question.

**Maree Todd (Highlands and Islands) (SNP):** I was going to direct my first question to Mr Little from the Scottish Youth Football Association, but I hope that the other witnesses at the table will be able to answer it for me.

Committee paper 4 mentions that 2,500 coaches who are registered with the Scottish Youth Football Association—that is about 16 per cent of the total—have not been checked under the protecting vulnerable groups membership scheme. What might be the barriers to disclosure or the explanation for that number of coaches in the sport not being checked? I know that the witnesses cannot answer for the SYFA, but I am interested to hear what barriers there might be in general to people getting PVG checked.

**Andrew McKinlay (Scottish Football Association):** First, I thank the convener and the committee for inviting all of us along this morning, and particularly Donna Martin and me on behalf of the Scottish Football Association.

You are right to say that Mr Little will need to answer the main part of your question. Donna will be able to give you a bit more information on where there might be disclosure issues but, where we have obligations to PVG check, we are fully compliant.

You will have seen in your evidence pack that, last year, we issued a directive to all our members about their compliance with a number of matters in

this area, including PVG checks. Since PVG checks came in in 2011, we have fully audited our senior clubs through our club licensing regime to make sure that they are fully compliant. If other members are not compliant, we will use the powers that we have given ourselves under the directive. The coaches that you are talking about are very much the responsibility of the Scottish Youth Football Association, so it would be appropriate for Mr Little to respond.

Do you want to say anything about barriers to disclosure, Donna?

**Donna Martin (Scottish Football Association):** On the question of what we as sporting organisations have in place for the appointment and selection of people to do regulated work with children, there has been a lot of progress, and a lot of good practice is in place.

Our procedure is wider than just doing PVG checks. We recognise that having a PVG certificate does not necessarily mean that an individual is safe; it could just be that they have not been caught yet. Under our approach, there is a self-declaration form in addition to the PVG being carried out. We also seek two references on the individual, and one of the questions is about whether there are any concerns about the individual working with children.

We then take the individual through an induction, ensuring that they receive training on children's wellbeing within three months of appointment. That is dependent on the level of activity that they are undertaking within our association. Part of that involves their knowledge and understanding of our policies and procedures.

Ultimately, there are two ways to provide that safeguard in practice at the time of appointment, when we are bringing somebody in, and there is then on-going monitoring. As part of that, we have a code of conduct, to which every individual physically signs up, in which it is clearly stressed what conduct is expected, what practice should be avoided and what is unacceptable conduct. If anything inappropriate is identified at any stage, people cannot claim, "I wouldn't have understood that that wasn't okay", because they will have physically signed that document. That is the practice that we have in place in our association.

As with everything else, a period of change can be involved in getting best practice in place. As for obstacles, it is just a matter of bringing everybody along with us. In general, as Andrew McKinlay mentioned, what we have put in our appointment and selection procedure is within our directive, and that is what we are looking for in the rest of football. Ultimately, we are trying to achieve consistency.

**Maree Todd:** I agree that the PVG check should not be the entirety of the work to safeguard children, but it is an important cornerstone. I see from the figures that the BBC made public this morning that your organisation still has more than 1,000 coaches who have not been PVG checked.

**Donna Martin:** That is not within the Scottish Football Association.

**Andrew McKinlay:** That might be the Scottish Youth Football Association.

**Maree Todd:** Has the BBC got that wrong in its table?

**Andrew McKinlay:** It is not our association. We are fully compliant.

**Maree Todd:** So 100 per cent of your coaches are PVG checked.

**Andrew McKinlay:** Yes.

**Donna Martin:** Yes.

**Maree Todd:** Okay—that is great. You mentioned the auditing of information. How do you do that, and what consequences can there be for organisations that are not compliant?

**Andrew McKinlay:** The club licensing process, which goes out to clubs every year, checks a number of things including what they have in place around child protection procedures and appropriate PVG checks. If they are in breach, that will be reported up to the licensing committee and the matter can, in turn, be reported to our compliance officer through our judicial panel, which can inflict a variety of punishments.

The directive that we have issued to all our members is slightly different and it goes much wider. It would also apply to the Scottish Youth Football Association and, ultimately, to its members. Again, we will be monitoring compliance, and if there is non-compliance, the matter will be passed to the compliance officer to go through our independent judicial panel process. They have a number of different punishments that they can mete out.

**Maree Todd:** Can you give me some examples?

**Andrew McKinlay:** It can be anything from a fine up to expulsion.

**The Convener:** What is the relationship between the SFA and the youth association?

**Andrew McKinlay:** The Scottish Youth Football Association is an affiliated association of the Scottish Football Association. There are a number of affiliated national associations. There are the juniors, the amateurs and the schoolboys, and there are also the women's, welfare and youth football associations. The SYFA is an independent

organisation and corporate entity and it runs its own affairs, but it is an affiliated national association.

**The Convener:** Does funding go down to it from the SFA?

**Andrew McKinlay:** There is funding that we provide to it—yes.

**The Convener:** But you do not oversee compliance.

**Andrew McKinlay:** We do oversee compliance. That is why we have brought in our directive—to ensure that we can absolutely oversee compliance.

**The Convener:** If there are 1,000 unregistered coaches at that level, something is not working.

**Andrew McKinlay:** We have said that the SYFA must have what is required in place by a certain time. If it does not, we will pass the matter to our compliance officer.

10:15

**The Convener:** When did you do that?

**Andrew McKinlay:** The directive came in in October last year.

**The Convener:** Prior to that, compliance was obviously not working.

**Andrew McKinlay:** Prior to that, we were aware of the issue and we offered to assist the SYFA with fixing the issue that it had, but you would need to ask Mr Little where it was with that.

**The Convener:** If you oversee compliance and the SYFA is not compliant, there is a problem in the system, is there not?

**Andrew McKinlay:** That is probably something for the independent review to consider. We have certainly done everything within our powers. We now have the directive, which gives us greater powers, and we will enforce it.

**The Convener:** We might come back to that. Alison Johnstone has the next question.

**Alison Johnstone (Lothian) (Green):** We might well come back to that.

There are clearly concerns that, at the level of some of the most vulnerable participants, there is a gap in proper certification and safeguarding. It leads us to be concerned that assurances still cannot be given today that we are moving away from the culture that has led to the disturbing facts that bring us to discuss the issue in detail today. Can you give us any assurance that action has been taken to embed a culture change?

**Andrew McKinlay:** Of course. The submission from Children 1st includes a very valid statement

about the creation of a culture that values children. We have done a number of things in that regard and we mention those in our submission. I will hand over to Donna Martin, who can give you some examples of what we have done to ensure that we go towards creating that culture.

**Donna Martin:** Back in 2014, when I came into post, Dr Sue Hamilton had carried out a review of child protection practices across Scottish football, and the gaps that were identified led to the recommendations that I picked up. Given my background, I have experience of working with both Children 1st's safeguarding in sport service and the National Society for the Prevention of Cruelty to Children in Scotland, and an understanding of getting it right for every child, the SHANARRI indicators—safe, healthy, achieving, nurtured, active, respected, responsible and included—and children's rights. Partnership working with the various expert organisations was fundamental as we updated our policies and procedures, widened them out and started to give people confidence.

When we talk about the scary world of child protection, people are unsure about what to do, they are nervous about putting themselves in a situation, and they do not want to be responsible for perhaps taking the wrong action on behalf of children. We felt that there was an opportunity to demonstrate how our practice in sport can impact on children's wellbeing in the widest sense and to demonstrate sport's role in the continuum from wellbeing to protection.

When we updated our policies and procedures, they were written on the basis of a children's rights approach. That is not just about what is in the policy documents; it is also about the training that we have carried out. The training that we delivered in 2015 and 2016 and have begun to deliver this year includes a two-hour organisational awareness session, which is for any member of staff, because we recognise that people have their own families and will have friends who have children. We also deliver a three-hour training session for people who are in regulated work with children or manage such people. That is about getting an understanding of children's rights and knowing what we are talking about in the sense of the wellbeing indicators—

**Alison Johnstone:** Can I ask about the children themselves? What action has been taken to raise awareness among children and young people about how to keep themselves safe and about what is acceptable? Coaches are undoubtedly in a position of great influence and—potentially—power. If whether a young person gets a place in a team is dependent on a coach, there is a real power imbalance. I would like to understand what information is being shared with young people

about what is appropriate and inappropriate and how it is being shared.

**Donna Martin:** Of course.

I will finish what I was saying about the training that we have provided, because it was essential that our staff and volunteers had an understanding of good conduct and best practice. The next stage was delivering training to our young players. When we made our submission on 20 January, we had trained in the region of 1,200 players. Over the past couple of weeks, we have delivered training to another couple of hundred young players. That was about knowing what the policies and procedures are, recognising that they have a voice and looking at their social media understanding and awareness—about how to keep themselves safe while recognising the power that can be used on social media.

We also carry out consultation with our young players. We have done that in different avenues. First, in 2015, we carried out a confidential online survey for club academy Scotland players who are registered with our professional clubs. It gave the players the opportunity to be completely honest about their experiences in their football clubs, so that we were able to learn what was working and what needed addressing. That informed the training that we are putting in place. Furthermore, for all players who are in our performance schools, our girls' squads and our boys' squads, we do face-to-face consultation on a yearly basis.

The outcome of that discussion is that we have a children's rights and wellbeing officer, who has picked up where I had started with that process. Anything that we learn from our players is then fed back—whether it be into our performance school or into the squad—so that they can understand that we are listening, that we take on board any suggestions and that we recognise when things are going well too, but, ultimately, so that the players feel that they are involved.

One of the key things that I remember from the very first survey that we did with an under-18s squad was the comments of a 17-year-old young man. When I first introduced SHANARRI indicators, I was not sure what the players would understand by those. We asked them to give feedback on how they felt about being part of a national performance squad, travelling abroad and representing their country. One of the things that that young man mentioned around the "included" indicator was how much he had felt included as part of the Scotland squad, from arriving at the airport to the preparation for games and communication with coaches. He said that he had not felt that in any other part of his life but that that was what he was getting out of football—the feeling that he was included in that whole process

**Alison Johnstone:** Thank you. I appreciate your comments. Like the convener, I am probably still struggling with the disjoint that we seem to have between the youth side of things, which seems to have a fairly relaxed approach to ensuring that everyone is as safe as we can guarantee—on paper, at least—and other aspects.

To Mr Wishart and Mr McKinlay, I say that one of the heartbreaking aspects of the news about child sex abuse in football has been the fact that it has taken so many players such a long time to come forward with their information. Do you think that we are seeing a shift that would enable people to come forward far earlier? Living with that kind of burden must be truly intolerable. Do you think that the policies that are being put in place would enable a young person to come forward at a far earlier stage, instead of thinking, "I am going to live with this for 20 years or so"?

**Andrew McKinlay:** I do. I can only imagine the suffering that those people have gone through and are going through. Football mirrors society. We have seen a lot happen in this area over the past few years—and football is no different. I would encourage people who have not come forward to do that if they feel able to do so. The police have encouraged that, we have done that and I would continue to encourage them to come forward—whether that is through the NSPCC, the police, us or PFA Scotland. It is important that they do that if they feel able to.

**Fraser Wishart (PFA Scotland):** Good morning. Thank you for the opportunity to inform the process.

PFA Scotland's interest has always been for our members, who are professional footballers. That is who we represent, so the youth side has not been part of our remit. However, over the past couple of years, more and more parents—especially those of club academy Scotland players—have come to us looking for advice, generally about regulations, compensation and the rights of the individual. Therefore youth football is an area that we have become involved in. We have a youth football advisory service, which involves our lawyers. Yesterday, we took a call from the parents of a lad who had an issue with registration and who wanted to have things explained to him. That was passed to our lawyers, who then explained them. We are now involved in youth football, and it is only right that we are.

We became involved in the discussion about child protection in sport when the stories came out. Alison Johnstone is right. It is horrific, and we have to encourage and create a safe environment for people to come forward. That is how we see our role. There is Police Scotland and the Scottish FA, but it is vital that we provide an alternative route for people to come forward and that they feel



comfortable about doing so. It is a huge issue, which we are discussing here and, I am sure, will discuss elsewhere. There is the review and a Police Scotland investigation, but we must not take the focus off the individual.

The players who came forward in England showed huge bravery. Sometimes it just takes one person to come forward. In England, four or five high-profile players have come forward, including a couple of England internationals. That has not happened in Scotland. Is that because of the environment for players? Is it because the support is not there? I do not know. We have tried to make that public and say that we believe that the environment does not encourage people to come forward. There is the National Society for the Prevention of Cruelty to Children helpline and, as Andrew McKinlay says, the Scottish FA can phone us directly, but we have had only a small number of calls. There is an issue to do with the media profile and the difficulty that is presented by the fact that football is so high profile in Scotland.

We can only guess how deep the problem goes. Anecdotally, as I have said in my evidence, I have been told that there are ex-professionals who are not willing to come forward because they are a wee bit frightened of the environment and what would happen to them next. Do they have to speak to the police? Do they have to give evidence in court? What happens if it reaches the newspapers? That is where we have a key role, in partnership with the Scottish FA.

As Alison Johnstone suggests, it is a very difficult environment for a young person to come forward in. That has not changed. Football is not unique in that sense. In youth groups, churches, schools or any environment in which adults have a position of power or influence over young people, it can be difficult for a young person to feel safe about coming forward. That is not unique to football. The committee might want to look at whether that goes wider than sport, into society as a whole. Football is no different from anywhere else.

**Clare Haughey (Rutherglen) (SNP):** Mr Wishart and Mr McKinlay said that football is no different and that it mirrors society. The Children and Young People's Commissioner Scotland has said:

"My main concern is the power imbalance and unfair treatment of children involved with professional football clubs."

What steps have your organisations taken to redress that power imbalance for children in football clubs?

**Andrew McKinlay:** We have worked with the Public Petitions Committee, where issues have been raised about our registration procedures. For

18 months, we have been in correspondence with the commissioner and others. We also had the commissioner at our convention, where we debated these matters. We have made some changes to our registration procedures. I know that the view remains that the balance is still too much in one direction. That is a debate that we are having and will continue to have.

**Donna Martin:** The big difference is the creation of the young players wellbeing panel. An outstanding issue for registration and the realisation of children's rights is what happens if a player wants to leave their professional club but, because of issues to do with training compensation, the clubs cannot come to an agreement. If that is the case, a young player can come to our wellbeing panel. The panel has three members: one with a legal background, one with a football background and one with a children's rights and wellbeing background. The purpose of the panel is to make decisions and to mediate the process in the best interests of the young player. We understand that very few cases would ever be raised; in fact, since it was put in place at the beginning of the season, the panel has yet to convene.

**Clare Haughey:** Have no complaints been raised with or gone to that panel?

**Donna Martin:** No.

10:30

**Clare Haughey:** That is interesting, because the written evidence that the children's commissioner provided to the committee—he is coming along to the next session today and it will be interesting to chat with him then—stated that, when children raised complaints with clubs, they were told to leave. Subsequent to that, they made complaints to the children's commissioner. I am intrigued as to why they would not have gone through a process with you if it is a simple process.

**Donna Martin:** It has perhaps been about timing, but my understanding is that the number of individuals who have approached the commissioner—or who have been found through research that has been carried out by his office—is a very small percentage of the young players who are in registration processes with professional clubs. We carried out research that reached more than 190 young players who are involved in the registration process and what came out very clearly was that more than 90 per cent of them knew what to do if they had a concern and wanted to leave their club. Seventy-five per cent of them—

**Clare Haughey:** Sorry to interrupt you. I am not necessarily talking about people leaving clubs; I

am talking about them raising concerns, in particular child protection concerns.

**Donna Martin:** My experience of working with children and young people is that they have a very close working relationship with their coaches. With the NSPCC—three years before coming to this post—I was involved with the ChildLine school service. We visited primary 6 and 7 pupils, and we carried out activities to identify different types of abuse and bullying, and to identify the steps that they could take to keep themselves safe. One of the key things that came out—sorry, I will get to the point—when we were identifying people who they trusted and who they would talk to was that they would go to their sports coaches with something that was happening in their personal life.

In our current practice in clubs, clubs have had named contacts for child protection officers for a number of years, and there are policies and procedures, not just about responding to the concerns of a child but about responding to the concerns of an adult if, for example, a coach is worried.

**Clare Haughey:** I hear what you say about the policies and procedures being there, but the issue is the power imbalance. I do not hear anything that reassures me that the power imbalance is being recalibrated.

**Donna Martin:** The approach that we are taking is to train our coaches and other people in our professional clubs about what a children's rights-based approach is, which is about creating a safe environment. I handle concerns that come to the Scottish Football Association and I also support professional clubs where players, parents and carers have spoken out about handling concerns, so I see that practice taking place. I still believe that it is always going to be a challenge for young people who are suffering to have the confidence and trust in others to speak out, and that is not just in football. If young players want to say something, they have the opportunity and they know who to go to in their clubs.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Good morning, panel. I declare an interest in that, between 2006 and 2008, I sat on the voluntary sector issues unit of the Government implementation group for the Protection of Vulnerable Groups (Scotland) Act 2007. The act was passed in 2007 and came into force shortly after. At that point, all new people being employed on a paid or voluntary basis in a regulated childcare position had to go through a PVG check and a three-year process of managed retrospective checking followed for people who already had enhanced disclosure.

My first question is on a point that Andrew McKinlay raised. Mr McKinlay said quite clearly that his organisation issued a directive in October last year to all affiliated bodies about PVG checking. I can only imagine that the catalyst for that was the outbreak of revelations.

**Andrew McKinlay:** No, it was before that. It went to our board in August.

**Alex Cole-Hamilton:** Nevertheless, it is an offence to employ somebody who is barred from working with children, and the only way to prevent that is through PVG checking. Why has it taken nearly 10 years to get to that level of compliance? There was a directive in October to affiliated bodies. Why was there not such a directive in 2007 or 2008?

**Andrew McKinlay:** The Scottish Youth Football Association is an independent organisation and oversees checks of its own membership. It has its own member clubs, so you need to put the question to Mr Little about what it has done to ensure compliance in its member clubs. They are the SYFA's member clubs, not ours. It has its own disciplinary system and I will be interested to hear how it has taken through that system the clubs that have not been in compliance.

**The Convener:** Do you not speak to him?

**Andrew McKinlay:** We do.

**The Convener:** If Mr Little tells us about that, will it be a revelation that you are hearing only today?

**Andrew McKinlay:** No, because it has come out over the past few months.

**The Convener:** So you already know.

**Andrew McKinlay:** Over the past couple of months, the number of checks that the SYFA has not done has come out. Donna Martin has talked about the work that she has done over the two or three years that she has been in post to spread best practice and to help across the game. However, we were concerned that, although there was some good practice across the game, there was a lack of consistency. We had certain powers in relation to our member clubs, but we wanted to ensure that we had stronger powers across the board where that lack of consistency continued, which is why we issued the directive. However, as I say, the SYFA is independent. It has the first responsibility and it is very important that you hear from Mr Little on the point.

**Alex Cole-Hamilton:** It is frustrating that we do not have Mr Little here—[*Interruption.*]—unless he is just arriving.

**The Convener:** Perfect timing.

**Alex Cole-Hamilton:** Shall I wait for him to get organised?

**The Convener:** No, just carry on.

**Alex Cole-Hamilton:** Mr McKinlay, you said that it was your organisation's responsibility to check that the affiliated bodies were compliant.

**Andrew McKinlay:** We need to check that they are compliant with their own checks. They need to check that their members are compliant. As I understand it, the lack of compliance has been with the SYFA's members as opposed to the SYFA not being compliant but, as I say, Mr Little should be able to clarify that.

**Alex Cole-Hamilton:** While Mr Little gathers himself, will you tell me what measures you took over the past 10 years to monitor compliance in your affiliated bodies? Before the directive came out, was there ever discussion with the senior management of those organisations about where they were on their journey towards full checking?

**Andrew McKinlay:** We had discussions with the affiliated bodies and offered to assist them where appropriate if there were issues with compliance.

**Alex Cole-Hamilton:** Mr Little, I am sorry to catch you just as you are settling yourself. Welcome to the committee. We have been discussing the lack of checking of coaches in your organisation and others. The Protection of Vulnerable Groups (Scotland) Act 2007 was enacted 10 years ago and was designed to replace disclosure checking so that organisations would not be guilty of the offence of employing in a regulated childcare position a volunteer or member of staff who was barred from working with children. That is achieved through the PVG check. However, we have all learned that there are more than 1,000 coaches of children in your organisation who do not have proper checks. Will you explain to us why that is?

**David Little (Scottish Youth Football Association):** I apologise profusely to everyone present for being late. I do not recommend spending three hours on the M8 so early in the morning.

It is important to give you some background on the SYFA. We have seven regions, 39 member leagues, 3,500 clubs and, as of yesterday, 15,433 registered officials. We also have 60,000 registered players. We have six full-time staff members and one part-time staff member to administer that.

We have a yearly churn of anywhere between 30 to 40 per cent of our members, which causes great difficulties. It is not as though we will have the same membership year in, year out. There will always be people who need to be checked. For

example, the 2016-17 playing season ends in June and we will have people coming and going right up to that deadline. That churn of officials is an issue for sport in general, not just football.

We currently anticipate that we will carry out between 800 and 1,000 checks per month. One of the things that did not help us in the early days was the cap on the number of checks that could take place. When you have a blockage at the front end, things build up.

I commend all our volunteers—we have 238 additional signatories across the country. I apologise if I am teaching my granny how to suck eggs, but I will go through the process when a person comes into the SYFA. The recruitment process at club level is key to the whole thing, because the clubs can get it right, using the local knowledge that there is in communities. Clubs also have the ability to speak to other clubs and members and say, "This person has turned up at our club, and he's indicating that he was previously at your club. Have you got any background? Why did he leave your club?"

We have written it into our application and selection procedures that clubs should pursue people's references. During that time, an official will be given provisional membership, which is given on the proviso that they cannot be left to supervise children. The official will then go through the registration process. They will attend a league meeting at which one of the 238 officials will check the forms and check that they have identification. At that stage the application will be submitted to the SYFA. We have our own registration system, in which we capture all those details. Members referred earlier to the old disclosure checks under the Protection of Children (Scotland) Act 2003. We still have information in our records from POCSA. We have been doing this work for 15 years.

Once the checks come in and go through the system, they go to disclosure services at Volunteer Scotland and then to Disclosure Scotland for the actual checks. I want to put on record again that the assistance that we have received from disclosure services over the last 15 years has been phenomenal. They are a phenomenal group of people, going back to the days of John Harris. We were in at the beginning.

I reckon that this year, disclosure checks will cost the SYFA £70,000. I am sorry that that was long winded.

**Alex Cole-Hamilton:** That is fine. I agree that there is no substitute for safe recruitment, in addition to disclosure and PVG checks. However, I am concerned—this is clear from your very fulsome evidence, for which I thank you—that the weak link in the chain is what happens while coaches are waiting for the PVG check to come

through. At that point we should make sure that they are never unsupervised with young people on the field. I accept that tolerance and understanding of how things work are needed, but I suggest that there is a risk at that point. I know that at my son's football club there are many times in an evening where one of the two or three coaches has to go to help a child in a changing room or look after the kids on the field.

There seems to be no guarantee that we are protecting kids from risk. That is why, particularly in the sporting environment, the regulated childcare position is stringently monitored. I think that the Scottish Football Association agrees, which is why it issued the directive that it issued in October. Can you explain what that directive is, Mr McKinlay?

**Andrew McKinlay:** Donna Martin is probably better able to do that.

10:45

**Donna Martin:** The directive takes things wider. There definitely needs to be a requirement for PVG checks to take place. There are ways in which we can support the SYFA in that process, as David Little has outlined, given the time that it takes for an application at a club to get through the process.

**Alex Cole-Hamilton:** The directive suggests that the SFA is not satisfied with the SYFA.

**Andrew McKinlay:** We feel that there could be a lack of consistency across its membership, which is why we issued the directive. It is not just for the SYFA; it is a directive across our membership. As I said a minute ago, Donna has done a lot of good work during her three years in post to help members to be compliant and come up to standard. However, we want to take things to the next stage and ensure that there is consistency across the game.

**Alex Cole-Hamilton:** How do you respond to that, Mr Little? How achievable is compliance with the SFA's directive?

**David Little:** We will have a meeting on the 17th of this month with the SFA to discuss the directive. We have to ensure that we deal with the paperwork in its totality—I reckon that there are 112,000 pieces of paper needed to implement the directive—so we are going to discuss with Donna Martin how we can get technology to work for us. We have websites, Facebook and Twitter, and we are going to use those tools to gather information in a manageable format.

Within the SYFA, there is zero tolerance of abusive behaviour towards children. However, a number of people have responsibilities. Parents have a responsibility to check out the club; our

website has a list of questions that parents should ask when they attend any club to determine its suitability. The clubs have a responsibility to carry out recruitment locally. The leagues have a responsibility to ensure that there are vetting evenings to which people can come along. We issue a full report to every league every month covering every official who is affiliated to the SYFA. The SYFA has a responsibility to ensure that we have the correct processes in place. Through team working and everyone coming together, we can achieve the outcome that we are all desperate for, which is a safe environment.

**Colin Smyth (South Scotland) (Lab):** Good morning, and thank you for coming along. I would like to look in a little more detail at the figures that the BBC reported last night. It said that, of the 15,606 coaches who are coaching children, 1,298 have not been PVG checked. Are those figures accurate? You seemed to imply that the issue is purely to do with churn and new coaches coming in. Have all those 1,298 coaches applied for their PVG checks? Are they waiting for that check to be carried out?

**David Little:** The figures are not entirely accurate. We have carried out 16,617 PVG checks and, as part of the churn, we have 949 officials that we are working our way through at the moment. Those people are attending PVG meetings to fill in and submit forms to catch up with the process.

Although we are here today to represent football, this is happening throughout sport. As I said earlier, I anticipate that we will spend £70,000 this year on protection of our children. I hate to think what will happen in respect of some of the smaller sports.

**The Convener:** We are going to deal with other sporting issues after this, so let us just stick to football at the moment.

**Colin Smyth:** I will come back to the figures. You said that about 900 people are waiting to be PVG checked; the process has begun and you are just waiting for the applications to be processed. The BBC reported in December that 2,400 coaches had not begun the process. The SYFA told the BBC that 90 PVGs were waiting to be processed, which meant that more than 2,400 had simply not begun the process. Have all those 900-plus outstanding officials started the PVG check process and are you just waiting for that process to be completed?

**David Little:** Of the 949 applications, a number of forms are on their way to us. I could not and would not mislead you by saying that all 949 officials have completed their forms. Meetings are going on every night of the week the length and

breadth of the country. There are forms on their way to us.

**Colin Smyth:** I am just trying to get to the bottom of how much of the problem is simply about waiting for the eight-week process to be carried out and how much it is about waiting for people to start the process. Are there coaches out there from whom you have not got an application for a PVG check? In December, you seemed to imply that there was a serious problem. In a statement, you said

"We have written to all league secretaries informing them that any registered official who is participating in an 11-a side programme and has not submitted a current PVG application form by 28 February 2017 will be placed under an automatic precautionary suspension."

In December, you seemed to be concerned that there was a problem with coaches not submitting PVG forms, so I am trying to get to the bottom of how big a problem that actually is.

**David Little:** As long as PVG checks are outstanding, I am concerned. The 949 officials were all emailed on Friday because we are halfway through the period. We reiterated our statement that if they are not compliant by 28 February, there will be no debate and no discussion: they will be suspended.

**Colin Smyth:** There must therefore be a problem with people starting the process and not just a problem waiting for the process to be completed.

**David Little:** The problem that we have, and which we share with similar organisations, is that the process is managed by volunteers—the 238 league officials who set the meetings up are volunteers. We work with our volunteers to ensure that the process works. As with any other process, as we move on we learn what we need to do and we implement it.

There are some things that I would like your good selves on the committee to consider. In respect of the PVG process itself, an online form would aid the process greatly. Again, that was promised at the stakeholder group meeting in this very room when we first implemented PVGs.

There is another thing that we need to examine. One of the other submissions said that the regulation has been in place for a while now. We need to examine how long a PVG check lasts. Is it similar to an MOT certificate that needs to be replaced every year? That is not practical—I have to be honest about that.

I mentioned computer technology earlier. One of the other things that we discussed at the stakeholder group was the creation of a website that would mean our not having to go through a

formal checking process again and which would tell us—

**The Convener:** We get that. Let me just clarify this: are you saying that in your organisation, with its membership of tens of thousands of young people, the key piece of child protection legislation and the process that goes with it are administered, organised and run by people who do it on the basis of good will and volunteering?

**David Little:** Yes—exactly.

**Colin Smyth:** I am still not clear about how many of the 900 officials have not yet gone through the process and how many are waiting for the process to be completed.

Obviously the SFA has a role in overseeing the Scottish Youth Football Association's compliance. Are you satisfied with its processes for ensuring that the coaches are properly checked?

**Andrew McKinlay:** The crucial thing for us is the independent review that we have set up, as you will know, to look at everything that is going on. That will be one of the areas that the independent review will consider in order to ensure that there are no deficiencies in the system.

**Colin Smyth:** You must have serious concerns if you are having to set up an independent review.

**Andrew McKinlay:** The independent review is taking a wider look not only at where there have been deficiencies in the past but at where we are now and whether there are deficiencies in that respect, and then it will make recommendations on what should be closed. As I have said, we brought in the directive to give us certain powers, and we will use them, but if the independent review feels that the SYFA should have less independence or whatever, we will definitely consider those recommendations.

**Colin Smyth:** There is clearly an issue with regard to compliance, given that 900-plus coaches have not yet had PVG checks. You must be concerned about that, because it does not sound as if it is purely a matter of waiting for applications to be processed.

**Andrew McKinlay:** We are very concerned, but it is very much the responsibility of Mr Little's organisation to ensure that that is happening.

**The Convener:** The SFA oversees the SYFA. Are you happy that the system that it operates is run on a voluntary basis?

**Andrew McKinlay:** That is something that we need to look at—

**The Convener:** I certainly think that it is something that you need to look at.

**Andrew McKinlay:** I agree, and the independent review will do so.

**The Convener:** Do you think that there has been sufficient investment in the system to make it work in a much slicker and quicker way?

**Andrew McKinlay:** Again, I think that the independent review will look at that, but given some of the things that David Little has mentioned, improvements could definitely be made. As I have said, we have offered assistance.

**The Convener:** What about the SFA's role in this? After all, all this has not just happened. What about your oversight? Has there been a failure in that respect?

**Andrew McKinlay:** Again, I think that the independent review will look at that and—

**The Convener:** I am asking for your view.

**Andrew McKinlay:** We were concerned about consistency; we brought in the directive to give us more powers; and that will allow us to understand things much better.

**The Convener:** Are the numbers that were mentioned in the BBC report the peak of those who have not been checked? Has the figure been higher or lower over time?

**David Little:** The figure that was quoted in December was the peak, and—

**The Convener:** So it has never been higher than that in the history of your organisation.

**David Little:** No.

**The Convener:** Thank you.

**David Little:** Let me just make a final point about volunteers. Our process regarding the checks, the leagues, setting up the meetings and so on is not only organised by but is paid for by volunteers. We get no Government money or money from sportscotland to support that process, so if more finance were to be available, that could be an avenue for it. We could certainly do with more people to assist.

**The Convener:** Does the SFA give you money?

**David Little:** For child protection? No.

**Donald Cameron (Highlands and Islands) (Con):** Although we have spent a lot of time on child protection, PVG checks and similar processes—and quite rightly so—I want to ask you about a range of conduct that is much less serious but which it is still important to monitor.

It all comes back to the question of culture and the imbalance of power that Clare Haughey asked about. It is important that we do not just talk about generalities but think about examples. For instance, on the radio last week, I heard David

Beckham being interviewed about his time in youth training at Manchester United. He was adamant that there was no abuse, but he spoke about something that I think is a helpful example, which was professionals humiliating a youth player. He gave the example of being made to do a silly dance in front of his childhood heroes. He said that there was no wrongdoing, but that it was an act of humiliation.

My first question is whether, 20 years on from that, you feel that that kind of behaviour is acceptable. Secondly, if a child wanted to complain about something like that, how confident are you that that child would be able to do so effectively?

11:00

**Donna Martin:** It is definitely not okay for practices like that to take place. Through consultation with young players we have learned about the challenges around bullying behaviour, whether that is between players or, in some examples, adults displaying bullying behaviour. Again, while I appreciate that they are just policies and guidelines, we have an anti-bullying policy statement.

We have worked with respectme in putting the materials together for the guidelines, and we have a really good example in one of our member clubs, which went ahead and trained all staff, parents and carers, as well as the young players. I agree that it is about how we get very clear messages to children that they are able to speak out and challenge such things. That has to evolve and progress through the training.

**Donald Cameron:** I also asked how confident you are that, if a child was humiliated or bullied, they could complain effectively, regardless of the policies that are in place.

**Donna Martin:** Of course. I am confident that in the SFA, within our squads and schools, young people have that opportunity and know how to come to us to speak out. Whether it is that they have confidence in their coaches whom they could speak to directly, or that they recognise my role or the role of the children's rights and wellbeing officer, I believe—because I have handled concerns and had players come to us, and we have taken action against coaches—that that confidence is there. There is still a road for us to go, and that is why anti-bullying is one of the areas that is in our player education.

**David Little:** In reply to Mr Cameron's first question, I say that it is not acceptable; in fact, it is totally unacceptable. In respect of recording concerns and so on, the SYFA has an incident record form and a complaints management system that are both visible on the front page of

our website. We regularly send messages out to our 9,000-plus social media audience advising of those processes.

We have a protection panel, and—I am sorry, Mr Findlay, that I digress a minuscule amount—I think that one of the things that sports need to do is to get together and discuss the mechanics of how they tackle the issue, and to share best practice. We have a panel that meets every month and which rules on membership once the disclosure checks have come back. The panel decides whether a person is suitable for membership. It also deals with allegations, whereby maybe there has been abuse. I will say, and you can take this to the bank, that if any concerns come in about the abuse of children, we will engage the professionals—the police—to investigate that.

The last point that I make in respect of the matter is that we have spent money and time on development, in conjunction with the blue ribbon organisation in Scotland, the NSPCC, and we are introducing an online training programme. When we initially instituted the training, we thought that there needed to be a fee for it, but it is so important that we have decided that our organisation will take the hit; the NSPCC training will be free to all 15,000 SYFA officials.

**Clare Haughey:** I pick up on a point that Mr Little has made a couple of times talking about sport in general, as compared to football. He was not here when I asked a question earlier on about the power imbalance, particularly in football—I would say almost uniquely in football—where youngsters are signing contracts and affiliated to certain clubs. Given that lots of children aspire to become adult footballers, would he acknowledge that football is in a unique position with regard to child protection and that power imbalance?

**David Little:** Yes. For example, my son is 35 years of age; if asked who his school teacher was, he could not tell you, but if asked who his football coaches were, he could rhyme them off.

I congratulate the Scottish Football Association on its project brave, which is drastically reducing the number of young players who will face that aspirational problem. It has recognised that there were too many kids who were jersey fillers; that number is being reduced and that can only help young people.

**Ivan McKee (Glasgow Provan) (SNP):** I thank the panel for coming along. I have a son and a daughter who spent years playing football when they were younger. It is important to recognise that volunteers run the clubs and that there are positive role models in their teaching about teamwork and co-operation and taking responsibility. In the vast majority of cases, that is the situation,

notwithstanding the critical situation that we need to deal with regarding child protection.

I want to dig a wee bit into a couple of matters. First, on the effectiveness of the PVG checks, Donna Martin mentioned earlier that the SYFA is doing much more than those checks, which is great to hear. The process has been in place for approaching 10 years. Is there any data on incidents that have been reported over that period? Does the evidence show that there is a lower incidence for coaches that have been through the PVG checks and that they have been effective in weeding out people? Perhaps there is not enough data, but I would be interested to hear about that.

Second, on the bottleneck for processing PVG checks, David Little mentioned that he has done 16,500—is that over one year? I ask him to clarify that and say a wee bit more about how long the process takes. I appreciate that there is a lot of churn running a voluntary organisation—I fully understand that. Is there a way to condense the timescale on the process so that it is completed more quickly?

David Little also mentioned funding. If there was money available, or if the checks were cheaper or free, would that help to speed up the process and get more people coming through? We want more qualified, PVG-checked coaches coming through and volunteering to train kids in sport—that is what we all want.

**David Little:** If you will pardon the poor pun, PVG is only the goalkeeper in the system. The most important thing is a robust recruitment process using local knowledge; when we are totally satisfied, we move into a PVG scenario.

We have done all the PVG checks, and prior to that we did POCSA checks. We have been involved in that process from the very beginning. The beauty of that longevity of involvement in the process is that in the early days there was a stack of training delivered by Volunteer Scotland. I am concerned for new organisations coming in; they obviously need the same level of support that we were lucky enough to get.

**The Convener:** We have only a little bit of time left, so your answers need to be brief.

**David Little:** Funding is an issue. Other forms of PVG checking, such as electronic forms, could assist, and funding from the Scottish Government to allow us to beef up our process would be most welcome.

**Ivan McKee:** Just to clarify, did you process 16,500 checks in a single year?

**David Little:** No, that is the number checked during the whole process. The big difficulty that we had was the restriction on the number of checks.

**Ivan McKee:** Who placed that restriction?

**David Little:** It was Disclosure Scotland at the beginning.

**Ivan McKee:** And has that cap gone now?

**David Little:** It has now gone, which is why we are up to 800 checks a month at the moment.

**Ivan McKee:** On that point, does anyone have any data that says that if you have been through the checks you are safer?

**David Little:** The last two people whose membership we terminated had been through the process and had been fully accepted as members. Their disclosure was completely blank in respect of a criminal record.

**Donna Martin:** The process is definitely working. All our individuals who are on regulated work are PVG scheme members. We have been notified when people are being considered for listing, which has allowed us to place precautionary suspensions while the listing is being looked at. The PVG is definitely playing a role in reducing the risk.

Where we need to inform and support, not just within football but within sport more widely, is that second responsibility of referring individuals. If David Little mentions that he is taking people out of regulated work rules, it is our responsibility to make that referral to prevent them from working anywhere else with children.

**David Little:** The referrals are currently in process.

**The Convener:** Is there a loophole for agents, scouts and intermediaries? Do those people need to be covered?

**Andrew McKinlay:** That specific issue was raised by the NSPCC in its evidence. It looks like there is a loophole in the legislation—the legislation should address that.

**The Convener:** You said earlier that football mirrors society. At the highest level, I do not think that it mirrors society at all. At that level, football is often very irrational. It draws on people's ambitions and provokes overwhelming emotions and loyalty among fans. That does not necessarily just mean young people; older people can act very irrationally around football. People would walk over broken glass to play for their club—just to stand on the pitch—never mind getting paid for it. The chance to play for those clubs can be the subject of overwhelming emotion and drive, not just for the young person but for their families.

There are vested interests in football and a huge amount of money at the top level. Are the top clubs willing to confront this issue and be completely open and deal with all elements of it, or

do those vested interests cause them not to be fully open? Perhaps Mr Wishart would be the best person to comment on that.

**Fraser Wishart:** The issue being that of child protection in sport?

**The Convener:** Yes. The whole issue—historical and current.

**Fraser Wishart:** In the past, the top clubs have often been reluctant to deal with the issue. Now, however, we have the Scottish FA's review and its remit. We have experience of the person in charge of the review, who has a good knowledge of the issue. Clubs will have to be open and transparent in terms of the review to get to the bottom of the issue.

We have spoken a lot about the power imbalance, which I agree exists. Clubs need to address that, and it could perhaps be part of the review. A young lad signs a registration form at, say, age 11, which the club can unilaterally renew every year—and there are compensation payments around that. All that deals an imbalance.

11:15

As has been touched on by some of the members, we have to have a better and safer reporting system so that players are happier to come forward. I do not believe that, with 3,000 club academy Scotland players, there has not been one issue raised. The wellbeing panel has not heard any yet, but I am aware of a number of issues that have been raised.

There is an issue of compensation when someone is not happy about moving from one club to another and clubs have to address that. We also have to address the issue of intermediaries, where unregulated and unchecked people are able to sign representation contracts with minors aged 13 or 14. We have to look at something similar to the English system, in which people have to register and go through a check if they want to work with minors.

Given the huge focus on this now, the clubs have to be open and transparent. We have to get to the bottom of it as, if we do not get a proper report about what went on previously, who said what to whom, and why issues were raised with clubs, but not dealt with by the clubs—that has been raised with me personally—the review will fail and people who survived abuse will come forward to say that that is not good enough. There are a lot of issues with the professional game, which is my area of knowledge.

One point that I will make about the SYFA and the youth game is that it is absolutely reliant on volunteers, and the vast majority of people who volunteer in football and other sports do so out of



good will. We have to support those people. There are issues—David Little might be able to clarify this—about people having to have certain levels of coaching qualification, they have to have first aid qualifications and they have to have a PVG check. All of those should be in place, but one of the first questions today was about barriers and we should not put barriers up.

Donna Martin told me this morning that volunteers can go through a PVG check that is free of charge. I did not know that; we must inform people. There is a financial commitment in terms of qualifications and there is also a time commitment. We must support the people who monitor that as well as the individuals who have to go through that process. We not want to discourage the people who put in so much time and effort to coach children—including mine—in various sports. If we do not have those people, our children do not have sports to play. An area that we really have to look at is support in terms of finance and time, because those people are vital to the wellbeing of our children.

**The Convener:** Do you want a final word, Mr McKinlay?

**Andrew McKinlay:** I have nothing in particular to add.

**The Convener:** Thank you for your attendance this afternoon. We really appreciate it and I think that we all concur with the final point that was made. We want to have the best system possible for the protection of children and young people, but also for the coaches and volunteers who give up their time every week to help young people in Scotland. It is in all our interests to get it right. We look forward with interest to the upcoming review.

I suspend the meeting briefly for a change of panel.

11:17

*Meeting suspended.*

11:23

*On resuming—*

**The Convener:** We will now have a round-table evidence-taking session on child protection in sport. First of all, I will go around the table and get everyone to introduce themselves. I am convener of the Health and Sport Committee.

**Kim Atkinson (Scottish Sports Association):** I am chief executive of the Scottish Sports Association.

**Clare Haughey:** I am the MSP for Rutherglen and deputy convener of the Health and Sport Committee.

**Tom Arthur (Renfrewshire South) (SNP):** I am the MSP for Renfrewshire South.

**George Thomson (Volunteer Scotland):** I am chief executive of Volunteer Scotland.

**Miles Briggs (Lothian) (Con):** I am an MSP for Lothian region.

**John Lunn (sportscotland):** I am head of pathways at sportscotland.

**Alex Cole-Hamilton:** I am the MSP for Edinburgh Western and the Liberal Democrat health spokesperson.

**Tam Baillie (Children and Young People's Commissioner Scotland):** I am the Children and Young People's Commissioner for Scotland.

**Donald Cameron:** I am an MSP for the Highlands and Islands.

**Mary Glasgow (Children 1st):** I am director of children's services at Children 1st.

**Alison Johnstone:** I am an MSP for Lothian region.

**Forbes Dunlop (Scottish Swimming):** I am chief executive officer of Scottish Swimming.

**Richard Lyle (Uddingston and Bellshill) (SNP):** I am the MSP for Uddingston and Bellshill.

**Assistant Chief Constable John Hawkins (Police Scotland):** I am an assistant chief constable with Police Scotland.

**Maree Todd:** I am an MSP for the Highlands and Islands.

**Matt Forde (National Society for the Prevention of Cruelty to Children (NSPCC) Scotland):** I am the national head of NSPCC Scotland.

**Colin Smyth:** I am an MSP for South Scotland.

**Lauren Bruce (Convention of Scottish Local Authorities):** I am a policy manager at the Convention of Scottish Local Authorities.

**Ivan McKee:** I am the MSP for Glasgow Provan.

**The Convener:** Thank you. I should say that the rest of the people at the table are committee clerks, and the Parliament photographer will be taking photographs as we go through the meeting. Before we move to questions, I remind members and witnesses that for the purposes of the standing orders sub judice rule, no reference should be made during the evidence session to any live on-going cases or to any issues that might prejudice them.

**Alison Johnstone:** I have a couple of questions that I would like to direct to Mr Forde in particular. I am not sure whether you listened to our previous

evidence session, but it shone a light on one of your suggestions. Serious concerns have been raised this morning, and you suggest in your written submission that Parliament

“undertake post-legislative scrutiny to ascertain how the system is operating in practice”.

Why did you come to that view?

**Matt Forde:** Thank you for the question. We welcome the opportunity to give evidence to the Health and Sport Committee today.

We have been very concerned about the allegations that have come to light across the UK regarding sexual abuse in football. We believe that progress has been made in putting in place child protection processes, but that is only a step on the way. The most important goal is to build a culture in football and across sport that has children’s wellbeing truly at its heart. In such a culture, everyone would be fully aware of their responsibility to keep children safe.

We believe that all children have a right to be safe when they participate in sport. In the earlier evidence session we heard much about the excellent work that volunteers in particular and coaches in general do for our young people, helping to make them healthier, more confident and so on. Most of the allegations of which we are aware date back to a period before the PVG scheme was in operation, so there is room to believe that we have come some way from those days by having in place processes to ensure that individuals who pose a risk are identified and banned from working with children in sports and in other settings.

Having said that, we believe that there is no room for complacency. Good policies need strong and consistent application, and compliance across organisations and responsible bodies is important. It is right that, when we have the opportunity that is afforded by the realities revealed by the allegations that have been made, we take time to reflect on what might be done now better to protect and support our children in sports settings. There has been some discussion with the committee of the PVG scheme. It is 10 years since the scheme was approved, and it has been fully in force for at least five years, following the catch-up period. It appears to be the right time to look at how it is operating in practice. We have heard today of some practical realities that need to be thought about, and it would be appropriate for some proper scrutiny to be applied at this stage.

11:30

**Alison Johnstone:** Your comments are very well made. If we are relying on a small number of full-time staff and thousands of volunteers to deal with a very large administrative workload, it seems

that it would be well worth our having a look at that system.

In the section of your submission entitled “Abuse of trust—Sexual Offences (Scotland) Act 2009”, you point out that coaches are not covered by the definition of “position of trust” in the same way that teachers are. I was quite surprised when I read that. It is an area that we have not given much attention to. How would covering coaches by that definition help?

**Matt Forde:** I think that, in the spirit of reflecting on whether we are doing everything that we can to protect children, it would be worth while to look at the current legislation intended to identify areas in which children can be vulnerable. The position of trust legislation addressed the problem of children being exploited by people who, while being in a position of power over them and a position of trust, might at the time believe that they are in a consensual adult relationship.

It seems to me that that sort of definition clearly applies to the sorts of situations that have been discussed today in which a child or young person is desperate to succeed at their sport. Football is the sport with the highest profile and status in Scotland, and it touches the aspirations and identities of many young people and their families. Therefore, coaches and others who are involved in the lives of young football players have enormous influence and power. There is an imbalance there. Given that coaches undoubtedly occupy a position of trust, we must, in such situations, make sure that the law is clear and that abuse of that position of trust is not allowed. As a result, we think that it is worth reviewing the position of trust legislation. In our submission, we also identify talent scouts as people whom a young person would be eager to please.

**Alison Johnstone:** All those areas could be looked at in any post-legislative scrutiny process.

Can I ask a final question, convener?

**The Convener:** I must ask for brief questions and answers, because we ain’t got a lot of time this morning.

**Alison Johnstone:** Certainly, convener. What impact have the allegations had on the day-to-day work of the NSPCC?

**Matt Forde:** The main impact has been through our national helpline. We set up a dedicated line for survivors to call; there has been a steady flow, and we have had to make some quick changes to expand our capacity to take those calls. We have the huge job of making sure that people are dealt with appropriately and passed on to the police, and arrangements are in place for that. I am glad to say that we have been able to cope with that demand, but it has been unprecedented in its

focus on one particular area of children's lives—in other words, sport. We have not previously had such a specific focus on football or sport in general, but the NSPCC helpline is able to respond to such situations.

**The Convener:** If other members of the panel would like to come in any of these points, they should indicate as much.

**Alex Cole-Hamilton:** From today's BBC report on the number of coaches in various sports who are checked, it seems that some disciplines—such as boxing, gymnastics, athletics, tennis, golf and hockey—are getting it right, whereas some are consistently wide of the mark. I am particularly concerned about swimming, in which as many as 10 per cent of coaches are unchecked. I raise that because swimming is in a unique position with regard to regulated childcare and unsupervised contact, given its nature, which involves changing rooms, showers and the likelihood of nudity. For me, that makes that situation a bigger problem. I would like Forbes Dunlop to address that issue in particular, but I would like others on the panel to talk about why some sports are getting this right and some are not and about how we can disseminate best practice across the piece.

**Forbes Dunlop:** Our processes require all coaches to be checked. The fact that some are not checked is down to a lag in the checking process. I have absolute confidence that all those who are not checked will be checked. I also have confidence that none of those people are working individually with swimmers—they are poolside helpers who are working with coaches who are qualified and PVG checked. For example, a parent who wants to help out at the poolside will start doing that, and the system will then catch up with them and help them to become a qualified coach, which involves being put through a PVG check.

The spotlight that is being shone on the subject makes us reflect on whether people should be allowed to be at the poolside in any capacity before they are checked. We will need to consider that.

I stress that we are proactive about the PVG component of the child protection system. All our member clubs have a volunteer child protection officer, and all those officers are trained free of charge. We train about 500 members a year, and the in safe hands courses that are run by Children 1st are also free of charge.

Another difference from the evidence that you heard about the football side is that we have a layer of professional staff who support the volunteers at clubs. Across Scotland, we have five regional officers who deal with and provide support in simple cases of child protection. A part-

time welfare officer and I are on call 24/7 to support and deal with more serious cases.

We have reflected on our figures and will consider what we can do about them. However, I assure you that such people are not working individually with children; they are working under a qualified and checked coach.

**Alex Cole-Hamilton:** I accept that explanation. To open up the question to the panel, does the disparity arise because some sports take a zero-tolerance approach, whereby coaches are not allowed on the ground if they have not had their PVG check? I do not know who wants to answer that question first.

**The Convener:** Does anybody know about that?

**Forbes Dunlop:** From speaking to my colleagues, I would say that that is the case. Some sports take a zero-tolerance approach and tell people that they cannot help out at a club until a PVG check has been done.

**John Lunn:** I reiterate the points that Forbes Dunlop just made. The governing bodies have consistent processes, procedures and systems in place. The figures that were released came from sportscotland, and it is important to contextualise them in far more detail than the BBC or other parts of the media have done.

A number of coaches who are classed as working with children are not in what is defined as a regulated working position, so they do not require checking. In some sports, all those coaches are checked anyway, but the regulations do not require that.

In other cases, there is a lag, as Forbes Dunlop said. A lot of governing bodies run coach education courses towards the end of the year. Coaches who work with children are identified at that point, which is when the PVG process is commenced.

There are gaps. However, we have gone through the situation with each sport, and we have no concerns that any other sports have anything like the gap that we see with the SYFA.

Another point is that the PVG process is just one component of a robust system. There are other aspects of the system, including child protection officers in clubs, which is where the responsibility for checking lies in the legislation. That network involves extensive training. As Forbes Dunlop indicated, we work with Children 1st to provide the training, which more than 23,000 officials have undertaken since the programme started. We bring the groups together, share best practice and issue updates on the legislation. The system is robust and comprehensive. To look only

at the gaps in PVG checks is perhaps to take too narrow a view.

**The Convener:** What is sportscotland's view on why there is such a problem at the SYFA?

**John Lunn:** That was documented and discussed in the previous session.

**The Convener:** That was the SYFA's view. I am looking for your view.

**John Lunn:** The SYFA is a member body of the Scottish FA, and it is for those bodies to work through the question in more detail. The system should be more robust than it is, and that gap has been identified.

**The Convener:** What is sportscotland's view on why there is such a problem?

**John Lunn:** The problem has been identifying the scale of what the body is trying to do.

**The Convener:** Is the problem scale and resources?

**John Lunn:** In some respects, the problem is scale and resource, but this is part of a wider robust system that is in place. We are not saying that the system is perfect; there are always opportunities to improve, and the previous session today identified where some improvements could be made.

**Donald Cameron:** Can I ask a basic question? How long does it take for a standard case of PVG checking in which there is no further assessment?

**John Lunn:** I would ask Disclosure Scotland that question. I know that the time varies, but Disclosure Scotland would understand exactly what the timeframe is for processing a case.

**George Thomson:** There is no backlog in the overall system just now. The time will depend a bit on whether a criminal record comes up—that can affect the timeframe. In our handling of disclosure services, we turn things around in a matter of days. There is no lag in the overall system. I would say—though it might sound a bit ironic, in a sense—that we put through approximately 50,000 PVG checks a year and, when we look at some of the issues that the SYFA and others have, they do not cause us great concern. The situation is not of the nature that the media coverage and some of today's questions have suggested.

The evidence has covered the problems that concern some of the communications and outreach to small groups—we need to make that a bit tighter, for sure. However, if the convener's question is not so much about why there are delays but about whether those delays are bringing about a risk to children, that is a different thing. Coaches who are coming through, who are in the system and who know that they will be filling

in forms to go through PVG and other checks are not the most likely individuals to have an intent to harm.

Overall, the system of 20 and 30 years ago, which had failures—of course, that included the BBC, which systematically failed to look after the welfare of children in its care—is not the system that we have now. We have a balanced, proportionate and intelligent system that is trying its best to look at where the risks are, to manage those risks and to be a system that everybody feels safe in.

It came out a little in the earlier evidence that we have to consider as a group the importance of creating a safe environment for volunteers as well. I am sure that Tam Baillie, the Children and Young People's Commissioner for Scotland, will say things shortly, but I remember Kathleen Marshall doing research into the matter some 10 years ago, when she was the children's commissioner. She looked at why men were not volunteering to work with children across all different fronts, and she discovered that, for men who were not involved in working with children, the fear of accusation was one of the main brakes on volunteering, whereas men who were involved as volunteers with children did not have the same fear.

We have to create an environment in which everybody feels that they can volunteer and contribute to children's welfare, sports participation and development, safe and confident in the knowledge that we are managing the risk of those who would do harm. Do not throw the baby out with the bath water, if you like.

**Colin Smyth:** I will go back to a point that Mr Lunn—rightly—raised, which is that PVG is only part of the process. I will touch on the minimum operating requirements, which are highlighted in the submissions. I am keen to know who assesses whether those requirements are being met and how the assessments are conducted.

You have sanctions that you can use if those requirements are not being met. Have those sanctions ever been used? If the minimum requirements are not being implemented and you are using those sanctions, how do you ensure that the children in the organisations concerned are being fully protected?

11:45

To follow on from Mr Thomson's point, and as was made clear earlier, it is difficult to get to the bottom of the figures and to ascertain how many PVG checks are outstanding because we are waiting for the eight-week or 10-week process to be conducted and in how many cases no application has gone in. To judge from the

evidence that we heard earlier, it is difficult to get to the bottom of that.

I am keen to know whether people think that there is a wider issue. Is the process for somebody to be PVG checked slow, or is there a wider problem?

**John Lunn:** You raise a number of points. On the starting point—the minimum operating requirements—we have a partnership with Children 1st, which developed and assesses the MORs. It has had a long-standing relationship with us. On a quarterly basis, Children 1st gives us an assessment of the components of the MORs, of which there are eight, and gives us a status for each sport. That is formally reported on quarterly, and we have accumulated trend information over time.

It is helpful to understand that the MORs are the starting point that we work with. We are working on revised standards for them, which will take things further and will start to include some of the areas that were highlighted earlier, such as bullying and putting the rights of the child at the centre. The MORs are very much the starting point.

On sanctions, we get quarterly reports from Children 1st on the status of the MORs for each governing body. We can and do operate a number of processes around that. Our objective is to get the governing bodies to comply as quickly as possible.

Applying a heavy sanction, such as withdrawal of funding, could ultimately have a negative impact on the children involved and on the clubs. We have a number of mechanisms in place to support organisations and get them back to compliance. We can put conditions on their investment that require them to achieve compliance more quickly. We can work with them, and Children 1st works collaboratively with partners that have found that they are not compliant at a particular point.

**Colin Smyth:** To go back to funding, you have indicated that you fund Children 1st with £125,000 per annum. It is clear that the training that people get through that is incredibly welcome. One of the points that the Scottish Youth Football Association raised earlier was that it gets no funding for the significant costs of PVG checks. Do you provide any funding to any governing body to meet those substantial costs?

**John Lunn:** The position is slightly more complicated. We invest in the 52 governing bodies. A number of them receive what we call effective organisation investment, which totals more than £3 million a year. That underpins robust organisations. It does not cover just their safeguarding duties; it covers anti-doping measures and legal compliance, too. How the

governing bodies choose to deploy that resource is not entirely up to them, but we work with them so that they understand where the resource can have the best impact. That is the direct piece to the governing bodies. As for how that filters down into the individual components of work, we expect some of it to go into checks, because that is a compliance activity that we expect the governing bodies to do.

**Clare Haughey:** I will take us back a bit to what the previous panel said. I have a question for the children's commissioner. You will have heard me asking about your report. In May 2015, you described a power imbalance in football. Your submission to the committee says:

“Despite some improvements, my view is that there has not been the necessary attitudinal change to give confidence that the circumstances where some adults seek to exploit children are eradicated from football.”

Will you expand on that and tell us what you think should be done to get that reassurance?

**Tam Baillie:** First, thank you for the invite to today's meeting. Before I answer your question, I need to correct what you said about children being asked to leave clubs. That was in reference to other sporting clubs, not football clubs. I just wanted to provide clarity about that.

I came into the subject many years ago, at the Public Petitions Committee's behest, on quite a straightforward matter, which involved children being held to contracts by professional football clubs on whether they could play for their school team. That committee asked the fairly simple question whether that infringed the children's rights. That was a straightforward matter, but the issue has dragged on and on and, in the meantime, a number of other issues have come to light, which are also being dealt with through that committee. The single issue of whether children can play for their school team did not get resolved until last year, when the SFA changed its rules so that children had an unqualified right to play for their school team.

My comments today are coloured by that process and by how long it has taken for us to achieve that small change. In the meantime, there have been other outstanding matters on which the professional football clubs have remained intransigent. The power imbalance between children and the football clubs remains, because it is in the clubs' vested interests to have complete control of the children. That is evidenced in how they have held out on certain contractual matters and in how they operate the compensation scheme—everything is done to the advantage of the professional football clubs and to the disadvantage of the children involved.

That power imbalance is about the culture in professional football clubs. The culture and how we value our children and young people has been mentioned several times today. Despite the SFA's efforts, which include appointing various officers, having procedures in place and sending directives, the overall culture remains that the professional football clubs have control over the children and young people who are in their charge. That concerns me, and I do not see much change in our professional game in that regard.

**Clare Haughey:** Do you see that situation mirrored in other sports?

**Tam Baillie:** I do not. As I said in my written evidence, I do not have the same in-depth knowledge of other sports, so it is difficult to comment. However, the ingredients are the same: the coaches have power over the children and young people and have in the palms of their hands the access to the children's dreams. Such children are desperate to be as good as they possibly can be, and they might seek a living from the sport that they love and enjoy. We have thousands of people who want to assist them in doing that. There is therefore an extra onus on the clubs—particularly the professional football clubs—to be diligent, to make sure that they respect the children and young people, to treat them in the way that those in the clubs would want to be treated and not to hold them in unfair contractual arrangements.

As I said, it is for the Public Petitions Committee—I will appear before it later this week—to decide what the best way forward is. I consider that external regulation is needed. The governance structures in Scottish football do not allow for the self-regulation that is required.

The PVG check is only as good as the information that is put into it. We should not rely just on that scheme. As several other contributors have said, we must have procedures in place and carry out monitoring. However, overall, the issue is about the culture in a sport, and I have concerns about football in that regard.

A further point that has come to light is about the agents who act on behalf of children. Where there is money, there will be agents who try to make money for themselves. A year ago, I wrote to the SFA and the Scottish Professional Football League to express concerns about the child protection checks on people who act as agents. They took no action. Now—thankfully—as a result of a committee appearance last December, Andrew McKinlay has indicated that that will form part of the independent review. However, that is an indication of the football clubs' slow response to their responsibilities to the children who are in their charge.

**The Convener:** I am keen for other people to come in on any of the issues that we are discussing, so I ask them to indicate when they wish to do so.

**Maree Todd:** I am particularly interested in what John Lunn said. I understand the limitations of the PVG check, but the bare minimum that I, as a parent, expect is that anyone who is involved in a club and is working with my children has been PVG checked. Is there a misunderstanding or lack of clarity about who needs to be PVG checked?

Forbes Dunlop said that it is okay if people are not PVG checked as long as they are supervised by a coach, but my understanding is that anyone who is involved in teaching and coaching sessions ought to be PVG checked. Examples of the people who might be exempted from that are accountants who act as treasurers rather than those who are directly active in working with children, whether or not they are supervised. Can the panel clarify that? I presume that there is zero tolerance now.

**John Lunn:** I am happy to start to answer that question, but others are probably better placed to give the detail.

The definition of what work is regulated is assessed by the child protection officers in the clubs. They are rightly responsible for raising the necessary paperwork, as they are the people on the ground who see who comes into the clubs and what they are doing.

At the earlier evidence session, colleagues mentioned that recruitment processes are key to that assessment. The PVG system allows checks to be carried out only on those who are doing regulated work as it is defined. There is a tool with which an activity can be assessed to see whether it is regulated. That accounts for some of the gaps whereby individuals are classed as working with children but the activity is not classed as a regulated activity.

**Alex Cole-Hamilton:** On that point, the situation is further confused by the fact that it is an offence to request a PVG check for someone who is not in a regulated childcare position. The core providers, service providers or sports agencies have got to thread that needle.

My understanding, from the work that I did on voluntary sector issues on the implementation group for the Protection of Vulnerable Groups (Scotland) Act 2007, is that, for supervision, the regulated element comes into play if a person does not normally—the key word is “normally”—have unsupervised contact with children and there is no reasonable expectation that they would have unsupervised contact with children. That is why there can be situations such as pool-side help in swimming clubs in which people are never going to be left in an unsupervised capacity. If that can

be guaranteed, they do not require a PVG check at that time.

**Forbes Dunlop:** My organisation defines regulated roles, and those go beyond coaches. We have a number of regulated roles that need to be checked. I have given examples of people who should and will be checked. We do not have a policy that says, “You do not have to be checked”; we err on the side of caution and check people. The delay and lag is not with Disclosure Scotland but with the volunteers in the clubs sitting down with the individuals, completing the forms, producing the evidence and getting the people to sign off their forms and submit them. Once a form is submitted, the process is very smooth.

**George Thomson:** The issue goes back to the need to have a balanced and proportionate system. For some years before PVG, the approach was unbalanced. It was about contact with children and became too much of a blanket affair. The review of PVG that is under way, which the Deputy First Minister announced last year and on which Disclosure Scotland is leading, gives an opportunity to consider some of the points about roles and whether they are covered. We must take real care to avoid a situation in which we start to require all people who come into contact with children to go through the checking process. Alex Cole-Hamilton is absolutely right. My experience, in the 15 years that we have operated the system, is that the problems that have arisen have been more about misuse of the system—asking for information to which there is no entitlement on the basis of the role—than about people having proved to be a threat after having gone through the system.

It is not a crime not to put a regulated role through the system, but it is a crime if we put one of the 3,500 people who are on the barred list of roles through it. That is also under consideration in the review. You are absolutely right that that causes confusion and uncertainty among people about whether everybody should be covered or just a few. We struggle with that. Our role is to provide support on compliance, training and everything else, and we are doing that all the time. However, the churn effect that was mentioned earlier, with people coming in and carrying their assumptions with them, not least because of the media coverage, creates further confusion and uncertainty.

12:00

**Maree Todd:** Some of the earlier evidence suggested that another potential barrier might be the cost of going through the process. Did I pick up correctly that volunteers can be PVG checked without incurring a cost?

**George Thomson:** I can answer that quickly. We were set up by the Government to enable those who have come through the charitable sector or the third sector, and volunteers in that group are entitled to free checks through the disclosure services process. It is not a cover for all volunteers. Coaches in local authorities, for instance, are not afforded free checks. They have to fit into the paid system through the local authority. There are examples of volunteers being asked to pay for their own checks in those circumstances, which is another matter. However, if someone has come through a charity such as Scottish Swimming, they are covered for a free check.

**Assistant Chief Constable Hawkins:** I want to offer a couple of broader observations from the policing point of view. I am really grateful for the opportunity to do that today.

It is important to recognise that sport is a real force for good in our communities. I would hate any of these discussions to lead to sport being somehow demonised—that cannot happen. I acknowledge that there have been huge improvements over the years, whether in the child protection arrangements or in the PVG scheme. In truth, the question that bothers me is whether what has happened in football could happen again in another sport. Sadly, I believe that it could, and we need to consider that carefully.

I say that for a couple of reasons. First, we must accept that there is a risk in society today. On many occasions, we have seen those who wish to sexually abuse children finding a way to do so. They find a way to navigate around the systems and processes that have been put in place so that they can infiltrate any social setting in which children gather, whether it be a sports club, a youth club or online. That risk exists. Secondly, we need to ask ourselves whether the environment that allowed the abuse to occur in football still prevails in society today. Again, sadly, I think that it does, and we need to accept that.

We need to do a number of things. There is a need to review PVG compliance—that has been a compelling element of this morning’s discussions. Governing bodies and individual sports clubs need to review urgently the steps that they have put in place. There might be a need for some post-legislative review as well. That might be a good idea. We would be slightly naive, however, if we were to think that that is some kind of magic bullet that will stop child sexual abuse in Scotland. I do not think that that is the case.

We need a wider discussion about the culture in society that allows that situation to exist. It is a culture in which we are appalled, disappointed and infuriated when we see reports of child sexual abuse in the media, but the truth is that we do not

like to think about it or talk about it when we do not see those reports. My fear is that that builds a wall of silence behind which survivors are often stigmatised, child abuse is not reported and those who would abuse children can prevail.

We therefore need to open the discussion beyond football and sport, although sport is critical because it is such a force for good. We need to talk about a long-term preventative strategy in Scotland that can allow us all to think about individuals, about communities and, in particular, about a sustained educational effort. We need to get to a position where we can talk openly about this.

**The Convener:** Thank you. Does anybody else want to come in on those points?

**Matt Forde:** I agree whole-heartedly with those comments. It is important to say that we would not see the measures that we have advocated in our evidence today as being a panacea. They are steps through which we could make some improvements.

The question about changing the culture of sport is a wider one about changing our culture as a society. In that sense, football mirrors society, because children in football have been abused. Although the allegations that we know about are historical, child sexual abuse is not: it is happening today. There are children in our school classrooms who are experiencing child sexual abuse, and I believe that we should see that as unacceptable. We should speak about that, and there should be openness about the fact that it is happening to far too many children. That is the context of child sexual abuse in sport.

We should be clear that no child should have to experience such abuse and the harm that it does, which can last a whole lifetime. We need to think seriously about what more we can do to prevent child sexual abuse and about the way that we tolerate it in our society.

**George Thomson:** I have a more general point to make. We cannot create an improved situation without a positive visualisation of children in the first place. There is a psychological danger if what we focus on is vulnerability—a danger that, unintentionally, we might accentuate that.

We must have a vision of a participative society in which a lot of adults work with children—professionally and voluntarily—in a safe and constructive fashion and in which the positive image of that is at the forefront. There is a need to manage the risk and, of course, to do everything possible to avoid people suffering. The way to do that is to create a bigger picture that is a positive one rather than one that focuses too much on the negative.

**Richard Lyle:** I agree with you that there are a lot of people running clubs, such as the Girls Brigade and the Boys Brigade, who do a lot of good work. We must concentrate on the problems and not make out that the situation is worse than it is.

Tam Baillie answered part of my question when he replied to Clare Haughey. In your submission, you say that you have been involved in a Public Petitions Committee matter—PE1319 on improving youth football in Scotland—since March 2010. You say that you have

“pressed for changes and there has been ... positive movement”

from the

“SFA and the SPFL. However, there are outstanding matters”

in which

“the football authorities”

—as you have already said—

“have proven intransigent”,

which led you to

“an overall assessment summed up in”

your most recent correspondence to the committee. You say that you give credit to the SFA and the SPFL, but you go on to say that

“external regulation has to be imposed on bodies which, to my mind are either unwilling or incapable of taking appropriate action to safeguard the rights of children”.

Would you like to expand on that?

**Tam Baillie:** That is a change of position, because my first position, when I presented to the Public Petitions Committee, was that it is always best to have self-regulation. That is what I recommended to the committee at that time. Since then, there have been matters on which the SFA and the SPFL have refused to make any movement, even having reviewed them. They are quite technical matters, but they are about the contracts that children are held to at ages 15, 16 and 17.

Fraser Wishart mentioned the compensation scheme that operates in Scottish football. In the most recent evidence that Andrew McKinlay and Neil Doncaster gave to the Public Petitions Committee, they repeated several times that, in their view, the issue was about striking the right balance between the interests of the clubs and those of the children. In my view, that balance is just not there, because all the control of the children, as regards their access and their behaviour while they are signed to those clubs, is with the clubs.



The only positive move has been the creation of the posts in the SFA with regard to youth football. I applaud the guidance and the procedures that have been put in place, but the culture is still that the clubs are in control of those children, and the SFA is in no way minded to shift on that. In fact, when Neil Doncaster was asked directly about that by the Public Petitions Committee, he said that there was no intention to change the balance, because that would disincentivise the clubs from investing in youth football. The clubs see those children as a potential investment, and they want to reap some of the rewards of that.

I do not normally talk in these terms at committee, but the process of getting to this stage has been really torturous. As a result, I have changed my position from support for self-regulation to support for external regulation.

**Richard Lyle:** I respect your view, Mr Baillie. Indeed, I encourage you to give us your perception of the Government, the committee, the SFA or whatever. As I said, there are a lot of good people out there who are working with kids day in, day out, and some of them feel that they are being targeted. My wife and daughter run a Girls Brigade company, and they have been checked. We have to concentrate on the situation, although I agree with Matt Forde that abuse of children also happens outside sport and that, as a result, we have to look at the whole thing.

What would you, as the commissioner, advocate? I give you the floor to tell us what should be done. Do we need to bring in additional regulation or other things to try to eradicate what is going on?

**Tam Baillie:** I might be jumping to the evidence that I will give on Thursday, but I must agree with the statements, comments and observations that have been made about the societal view of children and young people and the value that we place on them. No one here will disagree with the view that we have to improve how we value children and young people.

That said, I think that football needs external regulation. This is happening not just in Scotland; a House of Commons committee is looking at the state of the Football Association in England. Very similar forces are at play, and, as part of that committee's conclusions, it is pressing the Government to take action with regard to external regulation of football clubs' behaviour. I will certainly be recommending the same on Thursday.

How the Government engages with the issue might take various forms—that has not been agreed in any shape or form—but I expect that it will give evidence to the committee on the matter. In my view, the current governing structures do not

allow for the kind of change that I have been pressing for and that I think is needed to ensure that children and young people experience a culture change and feel better valued by professional football clubs.

Let me be clear: I am talking about the professional clubs. There are other, much wider, matters to consider, and others have already commented on them. We need societal change, but there are things that the professional football clubs, as leaders, could do.

**Richard Lyle:** Are you a Government appointee?

**Tam Baillie:** No. I am appointed by the Parliament, so I am independent of Government.

**Richard Lyle:** Thank you. I just wanted to clarify that.

**The Convener:** Did you want to come in at this point, Mary?

**Mary Glasgow:** It was not so much on that issue, convener, as on a broader point. I welcome the comments that Matt Forde and ACC Hawkins have made about the issue of abuse of children being much broader than sport. From our experience and from evidence, most children are abused within intimate family relationships and in their own homes. In some ways, then, what is happening in sport is a reflection of a wider societal problem.

Through our work with sportscotland on safeguarding in sport, we have seen much progress during the past 15 years. The allegations that have been made are historical and although we are not complacent about whether these things could happen again—of course they could—there is much better awareness of adults' responsibility to know what to do when and if they suspect that a child is at risk. Moreover, some progress has been made with our work on ensuring that sports governing bodies have a clear set of minimum operating requirements and standards, know how to support affiliated clubs, implement those standards and get advice and support around training.

12:15

I also highlight the key point in our written evidence that this is all about culture, leadership and transparency, so that we all take responsibility for ensuring that, whenever we are uncomfortable with how children are being treated or viewed, whether it be in sport or any other part of society, we call it out and speak out on their behalf in an open and transparent way. We also make it clear in our submission that, as has been noted with regard to the historical cases, when the children spoke out, nobody listened to them or did anything

about the situation. All the adult survivors of that historical abuse still talk about the lack of support to help them to recover. They all talk about the lifelong impact on their relationships, careers and lives, and we face the same issue in Scotland today. Even with all the systems that we have talked about putting in place, children who have talked about the abuse that they have suffered still face huge delays in accessing support to recover. We want the committee to take that on board in its thoughts and findings.

**Clare Haughey:** The commissioner specifically talked about the control of children. Such language is powerful and quite disturbing when it is used to describe children's relationships with the professional football clubs that were referred to—certainly, you referred to football clubs. Do the children's charities that are advocates for children's rights have a view on that language and agree with the commissioner's viewpoint?

**Mary Glasgow:** We do not have specific experience of it, but of course we share the concern about children. We have heard a lot about the dynamics in football and sport and the use of compliance; after all, children want to please, to be picked for the team and to be a success. We do not have particular knowledge of the issue, but we of course advocate respect for children's rights in whatever community activity they might be involved in, whether it be sport or something else. It is also important that children and parents are empowered to question the power dynamics within such relationships. As we have said, we have come a long way, but there is still much to be done.

**Matt Forde:** We do not have detailed knowledge of what is going on in professional football clubs, but I spoke earlier about the reality of the sexual abuse of children. Right now, many children across Scotland are being abused sexually and are not able to speak to anyone. However, we need to look at that in a wider context, because it must tell us something about how we value children if it is so difficult for those who have been abused to speak out and feel that they will be listened to and heard.

In response to the question, we have to think carefully about how we show what we think about children. We must ensure that they are put at the centre of things and that we think about their wellbeing and protection. That can manifest itself in many ways. For example, I agree that we need to talk about children positively, but surely that is part of realising their rights. It is not that we should think of them as vulnerable, but they are all wholly dependent on adults for their protection. As a result, I agree that power imbalances, a reluctance to put children's wellbeing at the centre of people's thinking and so on are matters of concern.

**Lauren Bruce:** Looking at child protection in its widest sense, it is useful to note that, with any concerns that arise, we in Scotland have the positive situation in which responsibility and accountability are shared between local authorities, the national health service and the police with regard to the actions that can be taken with children.

That is underpinned by the getting it right for every child principles, which were mentioned earlier by the SFA and which run through Children 1st's training, I believe. Scotland as a nation has worked very hard on the policy of identifying the wellbeing of children, and "included" was one of the SHANARRI indicators that was mentioned when the SFA gave evidence earlier. There is a need to recognise the widest protection that is available to children and what is in place to support them. The collective responsibility that exists in Scotland at the moment is positive.

**Ivan McKee:** I have a couple of points for clarification. I applaud the work that Tam Baillie is doing with professional football clubs, as the situation in which clubs can stop kids playing for their school or other teams while they are under their control has always been a problem.

On the aspects of control and balance of power that Clare Haughey talked about earlier, are you primarily focused on professional football clubs, as that relates to quite a small percentage of the total number of kids who play football, or are you talking in a wider sense than that?

**Tam Baillie:** Just to be clear, those children can now play for their school teams—

**Ivan McKee:** —which is great.

**Tam Baillie:** That is as a result of what happened last year, which was six years after the raising of the petition.

**Ivan McKee:** Absolutely. I applaud the work that was done on that.

**Tam Baillie:** The aspects that still cause concern include children aged 15 being held to contracts at the behest of the clubs. That is because there is a notion that the children's talents might blossom between the ages of 15 and 17, so the clubs might want them on their books.

There are also issues around the minimum wage and whether the clubs are paying it. My interest is for children who are under 18 and that issue affects 16-year-olds and 17-year-olds.

I have growing concerns about agents, and I have raised them with the SFA and the SPFL. They are unregulated and do not really require any checks other than a declaration. We do not know the extent of that because nobody is looking into it

properly. Perhaps, as Andrew McKinlay said, the review will shed some light on that.

**Ivan McKee:** I understand that and I appreciate what you are doing. Is your focus on professional football clubs? That is a big issue, but we are only talking about a very small number of children. I do not get the impression that you are talking about all kids who play football.

**Tam Baillie:** Even in professional football clubs, thousands of people give freely of their time and the game relies on that. The clubs are leaders and they set the standard—or they should—for everybody else, so they have a particular responsibility. However, they operate in a field in which money becomes a very valuable commodity—as do the children, if they show any talent. The Public Petitions Committee will be grappling with those issues later this week. On the balance between the rights of children and investment by the clubs, my strong view is that the professional football authorities have gone as far as they are willing to or as far as they are capable of within their structures.

**Ivan McKee:** That is clear—I just wanted to have it clarified.

The other point that I want to make is about people who are not PVG checked doing voluntary work or support activities. Is that a grey area? A parent might go along to watch a sport but, before they know it, they are helping out in some way. For example, they go to watch the kids playing football, but somebody gives them a flag and tells them to run up and down and to pretend that they know the offside rule. At that point—or if they give the kids a run back home, or whatever—have they crossed the line? Is there an issue about the clarification of where that line is?

**George Thomson:** We obviously want to encourage parents to undertake such roles and create a culture in which people can help out. We build trusted relationships—social capital, if you like—between people. We then have to apply the PVG system, as it is designed for roles that are regulated and have a degree of trust and responsibility that moves beyond that of a parent helper into compliance with the protection system.

There is also a legal duty of care—I have discussed that with a solicitor. If a parent is driving some kids from A to B, they have a duty to drive carefully and take care of them, and other protections come into play. The tragedy is when people feel that they cannot help out if they do not have a PVG and when people suspect them; that is the toxic part that we have to avoid at all costs, while at the same time being aware and using common sense when people talk to one another about whether an individual is showing signs of being a danger. We are very capable of picking

that up, not least from children talking about their experiences.

It is a difficult balancing act to ensure participation in a context in which we have to manage the risks.

**Ivan McKee:** Thank you.

**The Convener:** ACC Hawkins, have the police seen a spike in people coming forward from other sports and other areas of society following the media interest in what is happening?

**Assistant Chief Constable Hawkins:** Since November, we have had 130-plus referrals in relation to football from people who have information about child sexual abuse, and people who wish to report that it has happened to them. We have seen a spike in relation to football but not other sports, in truth. If I am being honest, that causes me some concern; it points to the culture that I described earlier where information is not being brought forward and where those who have been abused do not feel confident that they will be listened to.

**The Convener:** Maree, do you have a final point on adults?

**Maree Todd:** I used to work in psychiatry and, as I read the submissions, I was struck that there is a great deal more protection under the law for children than for vulnerable adults.

Do the witnesses think that that is an anomaly that needs to be looked at? I am conscious that we do not want to discourage people from getting involved in coaching, and that we want to encourage everyone in society to participate in sport. It seems that there is a disparity—do people have comments on that?

**Mary Glasgow:** We want adults who have learning difficulties to be involved in sport and engaged in ordinary community activities. There is no doubt that there are additional risks with that involvement, and it can be harder to get into some of the nuances that we heard about earlier about power imbalance and whether or not relationships are exploitative or consensual. Some factors that play out in the sexual exploitation of vulnerable adults are similar to those that we see with children, and we need to think about how to protect that particular group.

We can learn a lot from some of the systems and processes that we have put in place. I welcome the idea of proportionate protection for most of us to be connected to our communities, whether through sport or other activities. Those connections are incredibly important and act for a lot of people as a protective factor, but of course there is a risk. Every day, we send our children off to play with people and stay overnight in friends' houses; we have to be proportionate and allow

children and the rest of us to connect with one another. We have to live in a community in which we value each other and what we can bring to it, not shut things down so much that we end up with harmful if unintended consequences.

It is about having robust and proportionate systems, but the biggest thing that we have heard today is that it is about attitudes, culture, values and the way in which we view rights. As a society, we have to become a lot more comfortable with discussing those things in an open and transparent fashion; we should not make victims feel ashamed, blamed or guilty about what has happened to them.

12:30

**The Convener:** Okay. I am going to give everybody 10 or 20 seconds each, if they want, to make a final statement or point for the committee to consider after the meeting, or to stimulate further discussion. I am talking about the people who have been invited and not committee members, or we will be here all day. [*Laughter.*]

**Kim Atkinson:** We have had a really interesting discussion and I thank the committee for inviting us along. Fundamentally, all our members—the governing bodies—support both the principle and the culture that the wellbeing of every child is at the heart of everything that we do and is everyone's responsibility. I am sure that we all agree on that really important point, and I hope that there is some reassurance for the committee in that.

We talked a bit about the minimum operating requirements, and a lot was said about PVG in both this session and the previous one. The minimum operating requirements have been developed by our colleagues at the safeguarding in sport partnership, who are the industry experts, and they form a systematic nationwide approach to raising the standard in ensuring that there is safety for our children in what they do. In addition, our colleagues at Children 1st, in partnership with sportscotland, are working hard to see how we can further raise that standard. Again, there is some reassurance in that systematic nationwide approach. A lot is happening in that area, so I wanted to put a little focus on it.

We also talked a bit about access and ensuring that there are no barriers, which is really important. Our members work towards ensuring that everyone has the opportunity to enjoy their sport in a fun and safe environment. That remains at the heart of everything that we do. Can we do more? Quite possibly. Others are more expert in that area than I am, but accessibility and removing barriers remains a primary focus.

We heard a bit today about the benefits of sport and its role as a “force for good”—that phrase was used earlier. The committee must recognise that in the work that it does after today, as well as, more broadly, recognising the huge number of benefits to individuals, society and the wider Scottish population—let alone to budgets—if we are all that bit more active. We must not lose sight of that.

The last point that I will pick up on is that a huge part of our members' work involves volunteers. Some 195,000 people in Scotland volunteer in sport—more than in any other area. George Thomson will probably clarify that there is a high number in youth work, but a huge number of those volunteers are in junior sports clubs. Those 195,000 people volunteer day in, day out and week in, week out, doing something that they, their families and their children love, or that they just love seeing people being involved in.

The notion of being proportionate, which came up today, is at the heart of what we need to continue to do. It is about enabling and supporting people to volunteer to enable and support people to be active, and that is at the heart of civic society. I do not want those principles to be lost.

I apologise that that was longer than my allotted 20 seconds, convener.

**The Convener:** It was probably 10 times longer, but not to worry.

I intended to bring in Miles Briggs before, but I forgot. I bring him in now.

**Miles Briggs:** My question is on the culture. Everyone who has been here today, including the previous panel, has said that there is a need to change the culture. I hope that the SFA's independent review will help to do that but, as ACC Hawkins said, people are not coming forward from other sports. Will we need to have independent inquiries in the future if we find out that abuse has been taking place widely in swimming, for example? Changing the culture is key, but is there a lack of movement on changing it?

We heard specifically about contracts in football, but what about other sports? Do they perhaps not want to be seen to be looking at the matter in the current context, which the Football Association has had to do?

**Assistant Chief Constable Hawkins:** There has been mention of transparency, leadership and collective responsibility, and that is a responsibility that people share way beyond football.

In preparing for my 10 seconds, I was thinking that one of the really important things is language and calling things what they are. If we do not do that, we let people off the hook and people think that it is not important. Control is a really good

example, and Tam Baillie was right to talk about that.

We have spoken about child sexual abuse. We have not spoken about the rape of children, but that is what we are talking about. There is a wider responsibility, and I encourage the committee to be ambitious in its deliberations. We have an opportunity to eliminate child sexual abuse in Scotland, but we need an ambitious preventative strategy. We need to focus on football and on policies—that is important—but we need, collectively, to have a bigger and greater ambition than that.

**Miles Briggs:** Have any of the organisations at the table been asked to help to shape the terms of the SFA's independent review?

**Mary Glasgow:** We have been asked to provide support.

**The Convener:** Nobody else is answering. We will move on and give George Thomson his 10 seconds.

**George Thomson:** It will be 10 seconds, convener. Thank you for inviting me and for two really intelligent questions—dare I say that?

**The Convener:** Thank you. You sounded surprised. *[Laughter.]*

**George Thomson:** The discussion has been thought provoking and I hope that you will continue with it. We would be delighted to continue the learning from this debate and dialogue.

We are at a bit of a crossroads where we have to decide whether to look at a system that is based on fear or one that is based on trust. I think that we have to take a trust-building approach, which can lie at the core of where we go in future.

**John Lunn:** I reiterate my colleagues' comments and thank the committee for the opportunity to be here. I will finish by saying that there is a robust and comprehensive system to safeguard children in sport in Scotland. It has been developed over many years through a partnership approach and it continues to develop and strengthen based on good practice and legislative changes.

The issue is multilayered. We have talked a lot about PVGs, but that is just one component. The education and training and the processes and procedures that we have around child protection are the important components that will enable us to take steps towards changing the culture in the area.

The system can and does react positively to some of the issues that have arisen, and sportscotland, along with the Scottish governing bodies of sport and our partners at Children 1st, takes child protection in sport seriously. It is a

priority for us as an organisation and it is an integral part of the support package that we provide to our governing bodies to ensure good governance in Scottish sport.

**Tam Baillie:** It is about culture change, but that requires a number of different steps. There is an opportunity to look closely at professional football. The Public Petitions Committee also has that in its sights, and I ask this committee to pay close attention to and, if you can, throw your weight behind whatever recommendations come from that committee.

**Mary Glasgow:** I thank you again for the opportunity to come along today. I endorse the comments that have been made. I do not want to reiterate points that I have already made, but I leave the committee with the thought that a lot of children who are being abused still do not readily come forward and talk about their abuse. That is often because, although we have made much progress in the system, we still have a way to go to ensure that, when they talk about their abuse, they are heard sensitively. We also need a legal system and a recovery system that allow them to talk about and describe their abuse, to get justice and to move on from their abuse as sensitively as possible. We still have a long way to go on those things.

**Forbes Dunlop:** Thank you for the invitation. I have nothing further to add. My points have been made.

**Assistant Chief Constable Hawkins:** As I said briefly earlier, it is important that we look at policies but much more important that we look at culture, and we need to get much more preventative as a society. Our collective challenge is to be ambitious in how we face this.

**Matt Forde:** I welcome the committee's consideration of child protection in sport, but this is not just about child protection in sport. We need to look seriously at what more we can do to prevent child sexual abuse across the board, and a main issue is how we support victims. Mary Glasgow spoke about that. Later this year, we will be publishing research on how well we support victims.

**Lauren Bruce:** Thank you for the invitation. As some people round the table have already said, it is important to think of child protection as a system and to consider not just the PVG check or the culture in sport, but the wider culture in the widest sense. Part of that is about national child protection policies translating down into practices and implementation on the ground at every level, from local authorities to community organisations and sport. They should translate in every sense. Perhaps we should not just wait for children to come forward, but train people such as teachers to

recognise the signs of abuse and to be able to take that forward. Continued collaboration on all the issues is essential if we are to move forward as one system.

**The Convener:** Thank you very much for your evidence, which has been very helpful. We all want more people to participate in sport, and if our discussions have helped in that regard, it will all be worth while. We will now move into private session.

12:40

*Meeting continued in private until 12:58.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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