



OFFICIAL REPORT
AITHISG OIFIGEIL

Health and Sport Committee

Tuesday 7 March 2017

Session 5



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Pàrlamaid na h-Alba

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HEALTH AND SPORT COMMITTEE

6th 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:

David Little (Scottish Youth Football Association)

Andrew McKinlay (Scottish Football Association)

Stewart Regan (Scottish Football Association)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Health and Sport Committee

Tuesday 7 March 2017

[The Convener opened the meeting at 10:15]

Child Protection in Sport

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

Agenda item 1 is the third evidence session on child protection in sport. I welcome Andrew McKinlay, who is the chief operating officer of the Scottish Football Association, Stewart Regan, who is the chief executive of the Scottish Football Association and David Little, who is the chief executive of the Scottish Youth Football Association.

Do Mr Little and a representative from the SFA wish to make brief opening statements?

David Little (Scottish Youth Football Association): Thank you for inviting us back to the committee this morning.

My first comment is that the M8 was kinder to me this morning than it was on 7 February.

I want to take this opportunity to thank our 15,400 volunteers for the work that they do in providing recreation and football for young people—some 60,000 kids.

It is fair for me to talk about the contribution that the SYFA makes to Scottish society. In round figures, our 15,000 volunteers work five hours per week, on average, and at a rate of £10 per hour in a season very conservatively based on 30 weeks, that would represent a contribution of £22.5 million. I suggest, however, that the monetary value is not the important thing: the important thing for Scotland plc is the activity that our young people get.

No doubt I will be answering questions on this, but this has been a school day, in that we have learned quite a lot from the process. One of the things that we have learned is that there is a difference between encouragement and enforcement; we will talk about that later on.

Stewart Regan (Scottish Football Association): I echo Mr Little's comments and

thank the committee for inviting Andrew McKinlay and me back today.

I have five points to make. First, I remind committee members that we have just launched an independent review into historical child sex abuse allegations in Scottish football. That work has started, with Martin Henry as the chair. Secondly, we are working very closely with Police Scotland on collaboration over criminal matters. Thirdly, between August and October 2016, our board agreed and implemented a board directive to all SFA members, including the SYFA, to ensure consistency of policy and application in child protection matters.

Fourthly, we are in formal correspondence with the SYFA in relation to a series of concerns that have arisen both through recent Government correspondence that we were copied into, and through evidence that was given to the committee at its previous meeting. The reply to our most recent correspondence was received only last night, so I am not in a position to comment on its detail.

Last, for the purposes of clarity, I will advise committee members of the various assistance that the Scottish FA has supplied, and continues to supply, to the Scottish Youth FA in relation to this matter. I confirm first that over the past six years, approximately £0.25 million of unconditional financial support has been provided to the Scottish Youth FA, along with financial support to all our affiliated national associations, as part of a programme of investment in our "One National Plan" strategy. Secondly, the Scottish Youth FA and other ANAs benefit from free accommodation and facilities at Hampden Park. Thirdly, back in February 2015, we offered support on child protection matters to the Scottish Youth FA, which was rejected in favour of further financial support.

We have also offered a range of training and education programmes to all members—most recently with a pre-Christmas seminar on policy and procedure. Finally, in January this year, we appointed a dedicated full-time member of staff to work with the ANAs on child protection matters, which—to be fair to the ANAs, including the Scottish Youth FA—they have acknowledged and appreciated.

Alison Johnstone (Lothian) (Green): I would like to focus on administration of the application process for protection of vulnerable groups disclosure requests. In evidence to the committee, the Scottish Government suggested that the process that is used by the SYFA to complete applications for PVG disclosure requests that are submitted to Disclosure Scotland operates differently from those of some other sports bodies, which possibly leads to a greater administrative burden on the SYFA. I would therefore like to

know whether you think that you are following best practice.

Also, in previous evidence to the committee, Mr Little said:

“I reckon that this year, disclosure checks will cost the SYFA £70,000”

and that the SYFA has

“six full-time staff members and one part-time staff member”—[*Official Report, Health and Sport Committee, 7 February 2017; c 13-14.*]

I would like to understand where that cost comes from, because if volunteers are doing regulated work in qualifying voluntary organisations, there is no fee for applying to the PVG scheme. Mr Regan has just pointed out that perhaps one reason why you turned down an offer of help was that you needed further financial assistance. Can you clarify that?

David Little: The £70,000 figure is made up of salaries, volunteer costs and sundry items—for example, postage. The figure covers those three areas. It is vital that we know exactly who our members are: in fact, it is a requirement to be able to quote numbers, and it helps to support the “One National Plan” strategy. The means that we have adopted is an online registration system that is, I believe, nice and simple. It has evolved quite dramatically over the period. Club secretaries have a secure log-in; they go into the system and log their members. The system also enables the SYFA to find out who has been checked and who has not. We are also working with Police Scotland and quite recently had to make a referral to the Scottish ministers. The system was invaluable because it enabled us to give full details in respect of the person who was being referred, and to answer the questions fully in respect of what we saw when we did the PVG check.

Some other sports operate completely different systems, which are lengthier processes. We feel that we need our in-depth system to be able to fully ensure that people are checked and compliant with first aid and other coach education requirements.

Alison Johnstone: Can you clarify why the SYFA rejected the SFA’s offer of assistance with the significant backlog that we heard about? In addition, if the SFA has given you £0.25 million of financial support, it sounds as though financial support is not the issue.

David Little: The support with the backlog that was needed was support for our 239 volunteers out in the community. It was important that we re-engaged with them and that we re-energised and got them working again, so that they would process the forms.

We have looked at our online system and we are speaking to our information technology people. We are going to put a dedicated section for league officials in our online system, so that they have real-time data. The old system was laborious and sent reports out monthly; league officials will now be able to analyse data daily. The system will manage the flow of forms and the requirement for meetings within the leagues.

Alison Johnstone: Can I direct my next question to Stewart Regan, convener?

The Convener: I will bring you in in just a second.

Mr Little, the SYFA does not spend £70,000 on this process, does it?

David Little: Yes.

The Convener: I am doing a back-of-a-fag-packet calculation. That would be the equivalent of, say, two administration assistants working full time for a year, licking a great many stamps and envelopes for a system that is supposed to be free. How do you get to £70,000?

David Little: Can I—

The Convener: Do you have two full-time people working on the process continually?

David Little: We have two full-time people, and at the moment we also have another two people working on it. We have volunteers coming in to work on the process, as well.

The Convener: Can you remind us how many forms you process in a year?

David Little: This year, we will process somewhere in the region of 5,000 to 6,000 forms, I think.

The Convener: So the six people you mentioned process 1,000 forms each. That is a full-time job for how many people?

David Little: There are two full-time and two part-time people.

The Convener: Plus volunteer support?

David Little: Volunteers carry out the checks in their communities.

The Convener: I find that very hard to believe.

David Little: When we move on, let us talk about child protection work in its totality: there is also the operational manager’s time and my time for the protection panel that we operate.

The Convener: That works out, on average, as about three a day.

David Little: Three?

The Convener: It is three forms a day being processed between all those people.

David Little: Not all forms that come in are processed. The forms that come in that are fully compliant are nice and simple, and they go through the process. Unfortunately, an awful lot of forms come in; for example, for officials who are not registered with the SYFA, for example. We have to encourage the clubs to register said officials, and that takes time.

The Convener: Alison, I am sorry—I interrupted you.

Alison Johnstone: Thank you.

The SYFA provisionally accepted an offer of support from Disclosure Scotland and Volunteer Scotland to clear the backlog of PVG checks, but then decided to decline it. Do you know why the SYFA declined that offer? What sort of support does the SFA give to affiliated bodies such as the SYFA?

10:30

Stewart Regan: I will start and then ask Andrew McKinlay to comment, because he is closer to the detail.

On the question about Disclosure Scotland, we have only recently been made aware that the offer of support was turned down by the SYFA and we are not fully aware of why that happened. Since our board directive has been implemented, we have offered support. In January, as I said, we put in place a full-time member of staff to provide support on all matters relating to the board directive.

Andrew McKinlay (Scottish Football Association): As Stewart Regan said, the SFA became aware only at the same time as the committee did of the fact that the offer of support had been turned down. My understanding—which is based on my reading of the same documentation that the committee has seen—is that the SYFA did not feel that it required that support. There was also a suggestion that the SYFA felt that the proposal would have a negative impact on the morale of its volunteers. I believe that that is what was stated.

Alison Johnstone: I read the suggestion that the proposal might negatively impact on volunteers, but I think that the issue is serious and has to be treated as such. I still fail to understand why the offers of support were rejected. Can David Little tell us briefly what form of support would help the SYFA?

David Little: First, we welcome the appointment of Jennifer Malone, of the SFA—

The Convener: Just answer Alison Johnstone's question, please.

Alison Johnstone: What would make the difference? What form do you want the support to take?

David Little: At this stage, we are trying to bring in more volunteers to do more of the work. It would certainly be helpful if we had the ability to increase our staff by one.

The Convener: You got an offer of help for nothing.

David Little: The help that was on offer was for checking forms at meetings. I say with all due respect that that was not the assistance that we required at the time.

Since that time, we have had meetings with Disclosure Scotland and disclosure services at which we have spoken about training and process, and we have asked that that training be distributed via our leagues, because there are still some myths in respect of disclosure checks. One of those myths is that—

The Convener: We might get to that later, but a number of members want to ask questions at the moment.

Colin Smyth (South Scotland) (Lab): I want to ask about the role of the SFA in overseeing compliance. Mr Regan mentioned the directives that were issued in August 2016 on child wellbeing and protection. The PVG system has been in place since 2011, so why did it take until August 2016 to implement directives to tell the clubs to comply?

Stewart Regan: Quite simply, that was because there was no evidence until last year that there was a problem with PVG checks. A series of concerns had been flagged to us, dating back to 2014. We were in dialogue with the SYFA on a number of those matters. In 2015, we decided that we needed to put in place a process because of the lack of consistency of application across Scottish football. We took that to our board and agreed the approach in August 2016. We then had to get the wording legally checked, after which the directives were rolled out across the Scottish FA member base in October 2016.

Colin Smyth: You say that there was no evidence. Is that because there was no problem prior to your making that decision or because you simply were not aware that there was a problem?

Stewart Regan: The issues that we had were issues of process—basically, people found it difficult to deal with the process. Earlier, the point was made that the Youth FA handles the management of PVG checks centrally; it takes responsibility for their management and

processing. In other sports, clubs and associations take on that responsibility themselves and self-declare.

Colin Smyth: That is not a new issue—that has happened all along. However, after the process started, it took you five years to implement the directive. What was the reason for that?

Stewart Regan: To the Scottish FA's knowledge, no issues have been raised with it by its members or by members of the public other than minor process issues, which we have been in dialogue about to try to resolve. We had concerns in the middle of last year about how the process was working, so we put in place a system to deal with it consistently across the member base.

Colin Smyth: What prompted those concerns?

Stewart Regan: They were prompted by feedback from our child wellbeing and protection manager, Donna Martin, about the application of that process across Scottish football after conversations that she had with individuals across the game.

Colin Smyth: Were those concerns also prompted by the size of the backlog?

Stewart Regan: That was one of the concerns. Clubs and individuals were finding it difficult to make decisions and implement processes. We therefore needed to put in place a consistent approach for handling the process, which is what we did through the board.

Colin Smyth: Are you happy that you are monitoring and picking up problems earlier? Is the SFA concerned about that or are you saying that it is a relatively recent problem?

Stewart Regan: To our knowledge, the backlog is a relatively recent problem. As I said, other than that, only minor process issues were flagged up to us. It is worth saying for the record that, at this moment in time, there is no evidence to suggest that there is a problem resulting from the on-going management of the PVG scheme. In fact, the issue is risk, which we have to address. We are therefore managing the scheme to mitigate risk, using the directive as the vehicle to make that happen.

Colin Smyth: If there is no major problem, why have you given member organisations 11 months to ensure that clubs are using the PVG scheme? That seems like an awfully long time.

Stewart Regan: Andrew McKinlay can perhaps provide more detail, but members have to take more than one action. There is a raft of issues to be dealt with—the most serious being, as far as we are concerned, the need for data sharing. Because of the fragmented nature of Scottish football—we have over 100 members—coaches

could potentially move from member to member. Unless data is shared, there is no visibility.

The first decision was for all members to sign a data protocol. The deadline for that was last week, and that has been actioned. A series of other steps have to be taken, including training initiatives. Although we feel that that is important, it is not as important as some of our other initiatives. In the case of schools, the Youth FA and the Scottish Women's Football Association, we have therefore given several thousand people a little more time to go through that procedure.

Colin Smyth: Eleven months is a long time.

Andrew McKinlay: I will say—Stewart Regan referred to this earlier—that we are in official, formal correspondence with the SYFA in order to understand the specific problem of the PVG numbers. Because compliance with the directive might be further down the line, there might be other issues that we feel need further investigation and that might go through our disciplinary process. However, that will depend on how that correspondence plays out.

Colin Smyth: The directive is obviously aimed at affiliated national associations rather than individual clubs.

Andrew McKinlay: No. We can issue the directive only to our members; it is directed at our member clubs, plus affiliated national associations. However, there is then a timescale for the affiliated national associations to get their members in line. We do not have a direct link with their members, so we would have a right to audit them to ensure that they have got their members in compliance. That is how the directive will flow down.

Colin Smyth: Are you satisfied that your affiliated national associations will meet the deadline that you have set?

Andrew McKinlay: We believe that they should. We have brought in an individual specifically to assist them with that.

Colin Smyth: You said that they should, but will they?

Andrew McKinlay: There is no reason why they should not.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning. I was struck by Stewart Regan's comments about what he described as "unconditional financial support" to the SYFA. Given the line of questioning that Colin Smyth has just pursued, I am concerned by that. I would like to understand the relationship between the SFA and the affiliated bodies. We have just heard about the chain of events that led you to issue the directive about ensuring that PVG checks were up

to scratch. Will you unpack what you mean by “unconditional financial support”—it is quite a worrying phrase—and what due diligence the SFA performs in relation to the affiliated bodies?

Stewart Regan: I do not agree that it is worrying. When I explain the nature of the funding, you will understand that we give it in relation to delivery of certain targets and objectives that have to be achieved. By “unconditional funding”, I meant that no conditions are attached to how the money can be spent. The Youth FA can spend the money on promoting the game, governance, people, training or anything else that it wants to spend it on.

Alex Cole-Hamilton: I understand. Thank you. What kind of conditions did the SFA put on affiliated bodies prior to issuing the directive? Obviously, we are talking not about the restriction of funding but about expectations on compliance. It strikes me that the directive is a tool of last resort to be used when something is not happening, so we have to say that it is red-line time and things have to happen. Prior to that directive, what contract or understanding was there between the SFA and the affiliated bodies about their duties with regard to compliance with child protection legislation?

Stewart Regan: It is worth explaining again how the structure of Scottish football operates. We have over 100 members. Each member is a separate business in its own right. Each has its own constitution, rules, regulations and board and is responsible for managing its business. Indeed, it would be difficult for us to tread into their businesses without facing some kind of judicial review. To manage our members, we have a set of articles and a set of rules. We have a compliance officer who investigates potential breaches of the rules. We carry out an investigation only if appropriate evidence is brought before us.

About 18 months ago, we started an independent audit of all our ANAs in order to tighten up on governance. We have employed a consultant to carry out that work. We have had an initial review of policy and procedure and we are rolling that out across the game. We have been through one cycle of that audit. It is a soft-touch approach in that it initially considers whether policies are in place, as opposed to considering execution of those policies. However, as Andrew McKinlay explained, if specific matters are brought to our attention, we investigate them directly.

I mentioned earlier that we are in formal correspondence with the Youth FA about a number of concerns that have arisen in relation to child wellbeing and protection. The latest response from the Youth FA was given to us last night.

Alex Cole-Hamilton: The directive seems like a short-life solution to the immediate problem that we face of the backlog of unprocessed PVG applications. What is the stage after that? When the SYFA is up to scratch and all the officials are checked and vetted, what will the SFA do under the process that you described to ensure that it cannot happen again and that the SYFA will not slip back into that position again?

Stewart Regan: There are two ways of handling that. The first is to handle it through the compliance officer. Any breaches, or evidence of any breaches, will be investigated item by item. However, the independent audit to which I referred will be widened so that, if there are concerns in any organisation—it does not have to be the same concern in each organisation—they can be investigated more fully and we can identify where improvements need to be made.

Alex Cole-Hamilton: Will you be able to make the funding that you described contingent on across-the-board checks?

Stewart Regan: Yes. As we have described, the funding is performance related, so if there are failures in performance, we are able not to make the funding available. To me, however, there is a fine balance to be struck between not funding a volunteer organisation and providing support to allow it to do tasks that are clearly important to Scottish football. We just need to get that balance right.

10:45

Ivan McKee (Glasgow Provan) (SNP): Mr Little, can you explain a wee bit more about the process so that we can understand how the processing of the forms works? Typically, what happens at the start and what is the journey of an application as it goes through the various stages of your organisation?

David Little: What happens is that a person who wishes to become an official approaches a club and the club then carries out its due diligence, including asking simple questions such as whether the person has been with another club, what their role was in that club and why they left it. At that point, references can be collected. Also—this is a really important issue—the club bases the decision whether to bring the person in on local knowledge, because inevitably there is knowledge within the community if there is a problem with an individual. The club then—

Ivan McKee: Before you continue, that process sounds fine, but is it documented? Also, do clubs base decisions on what they think and feel at the time or is there a standard?

David Little: There is a document, but we have drawn up a flow chart. The beauty of a flow chart is that we can send it out regularly via our social media platforms and put it on the website. That is happening just now.

Ivan McKee: Okay, so every club has volunteers, and your 230 or so volunteers process the initial contacts through your flow chart and document the output from that. Do they record that on your system or on the system locally? How do they record it?

David Little: The clubs cover the 15,400 volunteers. We have 239 volunteers at the SYFA, and they are classified as additional signatories. It is not just a case of having an official who is linked to a specific club. The officials are linked to the SYFA and when leagues set up meetings, they go to the list and invite as many officials as they feel are needed to come along and carry out the checks. Once the officials have completed the identity checks so that we can prove that a guy who turns up and says that he is Willie Smith is actually Willie Smith, they complete the forms. It is then their responsibility to submit the forms for processing at the SYFA. That is when we feed them through the system and then send them on to disclosure services.

We have had various procedures in place for 15 years now. They came about because there was an incident in Glasgow when a person went to join a club that then complained to us that the person was unsuitable. The person then moved on to two other clubs, and eventually I received a phone call from the person's social worker, who said that we had made the right decision in not allowing him to work with young people. That was the catalyst for 15 years of work. We realised at that time that we were out of step because we had no procedures and we came across John Harris at Volunteer Scotland, which was carrying out all sorts of training regarding the Rehabilitation of Offenders Act 1974 and so on.

Ivan McKee: Just to be clear, does that mean that the process that you operate has components over and above the PVG process that involve asking additional questions and collecting additional information?

David Little: I think so, but the beauty is that the information is used for a slightly different purpose. In the system, each official has a category or code. If a person has code N, that means that he is not awarded membership or has had his membership removed and that, if he goes to any other club, it will not be able to register him. In effect, that puts a ban on the individual.

Ivan McKee: You said that you have two staff in your office who are working full time on processing the applications. As well as their costs, there are

other costs. When you mentioned volunteers, were you talking about volunteer expenses?

David Little: Yes.

Ivan McKee: That comes to £70,000.

David Little: That covers meeting rooms and all sundries.

Ivan McKee: That all stacks up. If you have two full-time people processing applications and if you process between 5,000 and 6,000 applications a year, I calculate that that means that they have to process an application every 30 to 40 minutes. Does that stack up with your expectations? How long does it take to go through one application in your office?

David Little: That is a bit like asking, "How long is a piece of string?"

Ivan McKee: Sure—some take more time and some take less time.

David Little: The time will average out. Some applications are problematic. One of the biggest problems that we had was that driving licences showed a middle name but there was no middle name on the forms. In the beginning, we had quite a high rejection rate, but I believe that the current rejection rate is extremely low—it is less than 5 per cent.

Ivan McKee: What you have said about the £70,000 for the two staff and the other costs, and about the rate at which applications are processed, all makes sense. Where is—or was—the bottleneck in the process?

David Little: There were a number of factors.

The Convener: Very briefly, Mr Little.

David Little: Okay. One factor was the SYFA structure, and another was the officials. A third was the clubs not pursuing the individuals to carry out the checks.

Ivan McKee: There are three or four steps in the process. At what specific point was there a hold-up? I ask that question to understand whether the offer of assistance from the SFA and others was focused on the right place. What support did you need to fix the problem? I assume that the problem was not to do with your admin, because that would be easy to fix. You mentioned that it lay further upstream, with your 239 volunteers.

David Little: The blockage was to do with the engagement between the 239 volunteers and the leagues for the setting up of meetings.

Ivan McKee: Your view is that an external organisation coming in and putting in resource would not have helped. Is that because it would not have had the local knowledge, because it

would not have understood the process or because it would have taken too long to bring its staff up to speed? Why would throwing bodies at that part of the process not have helped?

David Little: We had to re-engage with the leagues and the additional signatories.

The Convener: What does that mean?

David Little: We had to encourage them to get out there and carry out the checks. During that period, there was a restructuring in the SYFA. Unfortunately, I was not there for a period and there was not a chain of command. That has now been rectified through the appointment of an operations manager, who has full powers when I am not there.

Clare Haughey (Rutherglen) (SNP): Mr Little, my colleagues and I are struggling to follow some of the answers that you are giving us. I will ask some specific questions, which I would like you to try to answer specifically. Your organisation set a deadline of 28 February for the completion of the PVG process. How many of the new officials and those who required retrospective checks had completed their PVG check by that point?

David Little: Retrospective checks were completed in October 2015. The backlog that existed has now been cleared.

Clare Haughey: Is it completely cleared?

David Little: It is completely cleared.

Clare Haughey: So there are no outstanding PVGs in the SYFA.

David Little: In respect of that backlog, there are no outstanding checks. However, there are two spikes in the system. One is in February—

Clare Haughey: I am not asking about that at the moment. You are saying that all the backlog checks have been done. Is that correct?

David Little: That process has been completed, and people who are not compliant have been dealt with.

Clare Haughey: Currently, how many PVG checks are outstanding in your organisation?

David Little: In respect of the backlog, nil.

Clare Haughey: No—as of today, how many PVG checks are outstanding in your organisation?

David Little: As of today, with the new members who came in this February—we will get new members in August, too—there are 1,170 new members who have joined the SYFA.

Clare Haughey: So 1,170 new members joined the SYFA in February, and their PVGs are outstanding. No one else has an outstanding PVG. Is that correct?

David Little: In respect of season 2017-18, yes.

Clare Haughey: Does any of the 1,170 new members whose PVGs are outstanding have any contact with children?

David Little: Some of them will have contact, but they will not have unrestricted access.

Clare Haughey: What does that mean?

David Little: It means that they must be part of a supervised club environment. The process is that a club must have fully approved officials. New officials can be brought into a club, but they need to be supervised and they cannot have regular unrestricted access—

Clare Haughey: Wait a minute—are you talking about regular unrestricted access or no unrestricted access?

David Little: No unrestricted access.

Clare Haughey: You meant no unrestricted access rather than no regular unrestricted access.

David Little: Such people should have no access to children without supervision.

Clare Haughey: Is the supervision done by someone who has already gone through a PVG check?

David Little: It is done by officials who are fully compliant.

Clare Haughey: How many officials have been placed under an automatic precautionary suspension as a result of not submitting a PVG application form?

David Little: In respect of the backlog, 488.

Clare Haughey: What position are they currently in?

David Little: They are in a precautionary suspended position.

Clare Haughey: What does that mean on a practical level?

David Little: It means that they are completely debarred from participation in any football under the SYFA's jurisdiction.

Clare Haughey: For how long were those 488 people coaching or doing whatever in the SYFA before they were suspended?

David Little: That varies from official to official.

Clare Haughey: What access did they have to children?

David Little: They had access via supervision.

Clare Haughey: Only via supervision?

David Little: Yes.

Clare Haughey: Even in the historical cases?

David Little: Yes.

Clare Haughey: At what point did the SYFA stop people who did not have a PVG having any unrestricted access to children?

David Little: That has been in the procedures from day 1.

Clare Haughey: When was day 1?

David Little: Fifteen years ago.

The Convener: In response to a question that Clare Haughey asked a second ago, you referred to the season 2017-18. Is there anything that we are missing in other seasons?

David Little: No. The 2016-17 season was cleared up via the backlog.

The Convener: I wondered whether that was just a turn of phrase or whether something else was going on.

David Little: No—I was trying to make the point that the new members are in respect of season 2017-18. We have two different playing seasons—that is the difficulty.

11:00

Miles Briggs (Lothian) (Con): Parents who I represent are deeply concerned, as is the committee, that more than 1,000 people without PVGs are involved in the game. This is the second occasion that the SFA and the SYFA have been in front of us, and I do not get the impression that the two organisations are working together to fix the situation. Is it fair to say that there has been a total breakdown in communication in the past and that that is on-going?

David Little: No. The appointment of Jennifer Malone and the wellbeing officer has been positive. We are in dialogue now. We are in a far better place now than we were before.

Stewart Regan: The Youth FA has operated the process for 15 years and only in very recent times have we become aware of issues. It is fair to say that the PVG check is not an ideal process. There are areas that need to be considered and, as far as I am aware, the Government is looking to do that. For example, if someone has not been caught, the PVG check will come up clean and they will carry on operating in whatever way. Having identified a series of concerns, we are putting in place processes across the piece to ensure that all members operate consistently.

There is no suggestion that there is a breakdown of communication. We have worked well together; the flaws and gaps in the system and the issues that we have with the Youth FA

have now been identified and flagged, and we are in formal correspondence with the Youth FA on them.

Miles Briggs: What confidence do you have that there will not be an issue in future years and that, next year, we will not be sitting here talking about another 1,000 people who have not been PVG checked?

Stewart Regan: To be fair, you need to understand that it is normal for any new person who comes into football to have to go through a check. People cannot automatically be cleared on day 1. To mitigate the risk, none of those people will be allowed direct access to kids unless they are with people in a supervisory capacity who have been through the PVG check. That is the normal procedure.

Miles Briggs: It is fair to say that supervised access is not 100 per cent foolproof. There is concern about that, and I have not heard anything that suggests that that will be rectified.

Stewart Regan: You are absolutely right. As I said, a person might not have been caught for inappropriate behaviour with children and might be one of the people who carry out the supervision. We struggle with that, and the PVG scheme does not capture that, which is why the issue cannot be just about the PVG check; it has to be about vigilance, training, education and looking for other signs and signals. That is part of the process that we are putting in place through the wider work that we are doing.

David Little: Can I comment on that, convener?

The Convener: Briefly.

David Little: The vast majority of forms or certificates that come back are clear. As Stewart Regan rightly said, the PVG is a bit like an MOT. We have a system whereby the clear ones are easy, and the people who have committed heinous crimes are easy—they do not get membership—but a wee grey area is left. We have a protection panel, which interviews potential members to discuss suitability. The disclosure certificate throws up certain things that would debar people from being members.

Richard Lyle (Uddingston and Bellshill) (SNP): I understand that the SFA is the ruling body for football in Scotland. What control do you have over the SYFA?

Stewart Regan: The principle of devolved power operates in Scottish football and has done for years. We are a membership organisation. We devolve power to run different parts of the game, whether that involves youths, amateurs, women, schools or others. That is managed through a set of articles and disciplinary rules.

If we are made aware of breaches of those rules or if concerns are raised with us, we have the power to investigate and take action, and we have a range of sanctions that are open to us to use if a member breaks those rules.

Richard Lyle: I need to understand this. Can you fully control the SYFA?

Stewart Regan: It is not about control; it is about managing and regulating the game. We are a regulatory body. We do not run youth football—that is the responsibility of the Scottish Youth FA. We do not run amateur football—that is the responsibility of the Scottish Amateur FA. We govern and regulate through articles and rules. Every one of the devolved bodies runs its part of the game. We can intervene if there are breaches of the rules.

Richard Lyle: Have you called Mr Little into your office and said, “Sort this”?

Stewart Regan: As I explained at the beginning, we are in the process, through formal correspondence, of trying to identify answers to the concerns that we have raised with Mr Little and the Youth FA. That is on-going, and the most recent reply was received last night.

Richard Lyle: Mr Little, I have listened intently to your comments. In December, you were offered help, which you provisionally accepted. In January, you reversed that decision and declined that help. I know that you have specified why you declined that help. Have you at any time approached sportscotland, the SFA, the Government, Disclosure Scotland or anyone to say, “I do not need that help, but I need other help”?

David Little: I will answer that with two points. First, we had a meeting with Disclosure Scotland and disclosure services to discuss support packages, including training. That was a positive meeting.

The link from sportscotland into football is via the SFA. At a positive meeting with the Minister for Public Health and Sport and the Minister for Childcare and Early Years, who is Mr McDonald, I raised a concern about the interface with sportscotland. In correspondence that I think has come to the committee, the sport minister agreed that the channel will be opened up.

Richard Lyle: Are you telling the committee now that you are willing to accept any and all help to resolve the issue? Currently, you are the fall guy. Are you going to ask for help? Are you going to refuse help or are you going to take it?

David Little: We will always sit down—

Richard Lyle: That is not what I am asking.

David Little: If I could get to the point, we will always get involved in audit procedures. We have passed the SFA audit and the Disclosure Scotland audit, and that will lead to the support package, which we will accept.

Richard Lyle: That is not what I am asking. Will you accept any and all help from any organisation to resolve the situation—yes or no?

David Little: We would accept any relevant help.

Richard Lyle: This may go to the heart of the matter. You seem to be a person who likes to have control. Do you have too much control? Are you vetting every paper that crosses your staff's desks or are you letting the staff get on with it?

David Little: The staff have functions to perform, which they get on with.

Richard Lyle: So you do not vet every form that comes across your desk.

David Little: No—it would be impossible to do that. That is why, as I said in answer to a previous question, we had to restructure. Sometimes a blockage occurred if I was not there. It was a case of getting the right staff in, which we now have, and empowering them to make decisions. The staff did not do that before, especially during the period when I was not there.

The Convener: Mr Little said that the SYFA had passed the SFA audit. Is that correct?

Stewart Regan: Yes—the audit that has been carried out. As I have said, we have had in year 1 a very soft-touch audit of the implementation of policies and initiatives across a range of governance areas.

The Convener: Can you explain to me what a “soft-touch audit” is?

Stewart Regan: It is about checking that organisations have the policy in place instead of investigating how that policy is operating in practice.

The Convener: So it is extremely soft touch. In other words, you see whether a policy is in place and then tick the box.

Stewart Regan: No. This is for year 1. It was made very clear that the governance audit was introduced as a new initiative—this was about 18 months ago—and, because different organisations were in different places with regard to their governance, we wanted to get everybody up to a certain level. The first level was for organisations to demonstrate that they had a range of policies and procedures in place. That first audit has been carried out, and all our organisations bar one have completed it. Moving forward, we now have the ability to identify gaps, and we will begin to look

into the implementation of those procedures and policies.

The Convener: Can I suggest that that audit is a fairly low bar? Jeez! You would have to be outstandingly incompetent not to have policies in place.

Stewart Regan: When implementing a brand-new system from scratch, we want to get every part of the game to the same place. As we have said, many of these organisations are volunteer organisations, and we have helped them put in place those policies and, in many cases, write the procedures that need to be in place. We are now looking at the execution and implementation of those procedures. Year 1 was literally about getting to a certain level.

The Convener: Hmm. I call Donald Cameron.

Donald Cameron (Highlands and Islands) (Con): Good morning. Following on from Richard Lyle's questions about governance and the relationship between the SFA and the SYFA, I want to ask the SFA whether, if you think that there is a serious problem with something—anything—that the SYFA is doing, you have the powers to step in and, say, suspend its activities, take control of the board or all the employees in the SYFA or whatever. Do you have those powers?

Stewart Regan: Yes, but there is a process to follow. What we would not do is jump straight to the sanction that you mentioned of suspension; instead, we would follow a process of investigation and review. The matter would go through our compliance officer and would be investigated and dealt with by an independent panel. For a serious breach of our articles or rules, one of the range of options might be suspension. The answer to your question is yes, but there is a process that we have to follow.

Donald Cameron: Have you ever used those powers?

Stewart Regan: Yes.

Donald Cameron: I accept that this is a “How long is a piece of string?” question, but how long does that process normally take?

Stewart Regan: It depends on the breach. If the breach involves one of our members, the process could take one or two weeks, but a more serious breach could take several months. It all depends on the nature of the issue. We have a compliance officer and an independent judicial panel who meet every single week to look at a variety of football-related and non-football-related matters.

Andrew McKinlay: With regard to timescales, there is, as you would expect with any such process, an appeals process. We have the first

hearing; there is an appeals process, which is usually heard by a judge; and then there can be judicial review, which our members have used in the past and which we are certainly not in control of. We need to follow the process absolutely properly to ensure that we do not open ourselves to judicial review.

Donald Cameron: I accept that, but I am talking about something slightly bigger than just a problem with a member. If you thought that there was a systemic issue with one of your bodies—the SYFA, say, or one of the amateur bodies—would you have the power to step in and basically take control?

Stewart Regan: Yes. We have the power to step in, but taking control would be the end of the process if there was a significant issue to address. Within that, there could be a range of issues; for example, a criminal matter would be an issue for the police, and clearly we would pass that across to the relevant authority. If there were a substantial or serious breach of the rules or if there were, say, a financial failure, we would be able to step in.

The Convener: Given the evidence that we have heard, I have to say, Mr Little, that I am struggling to work out whether, as Richard Lyle says, you are the fall guy, whether your organisation is well meaning but incompetent or whether there is a deeper problem in your organisation. Am I wrong on all three fronts?

David Little: I think—

The Convener: I have put three options to you. Am I wrong?

11:15

David Little: Yes, you are wrong in respect of the organisation's competence. We always carry out due diligence. We have a good range of skills on our boards and working groups, so I dispute what you say about competence.

I am big and ugly enough to take responsibility. During the period that we are discussing, my personal position certainly caused difficulty, which is why we had to restructure. We have taken care of that.

The Convener: What do you mean when you say that your “personal position ... caused difficulty”?

David Little: In 2015, I went on holiday and, on the second day, I was diagnosed with cancer. During 2016, I went through chemotherapy. The doctors discovered that I also had tumours on my liver and I had to go into hospital in Edinburgh, which was followed by further chemotherapy. At that time, with all due respect, I was out of the

loop. That was why we had to restructure, so the answer to your first point is yes.

The Convener: Forgive me for asking that. I did not mean you to have to publicly declare information about your health. I apologise for that.

David Little: It was one of the major contributory factors. At that time, before the restructuring, the governance was that the lady who was the personal assistant at that time was allowed out to visit me every second Wednesday for an hour and 15 minutes. I discovered that it was going to be an hour and 15 minutes because, when my wife came back, that was the meeting finished. That was unacceptable.

I am not being flippant, but one of the best cures outside the national health service is daytime television. Especially when my wife was not about, it enabled me to pick up a pad and write things down. During that period, we restructured and, if you will pardon the pun, that has cured an awful lot of the ills.

The Convener: What is your organisation's financial turnover?

David Little: It will be round about £400,000.

Clare Haughey: We have been talking about PVG, but the committee's inquiry is into child protection in sport. At a previous meeting, we heard from the Children and Young People's Commissioner for Scotland, who raised some serious concerns that stray into the realms of child protection. I would like to hear the SFA's comments on his concerns. He said:

"the overall culture remains that the professional football clubs have control over the children and young people who are in their charge."—[*Official Report, Health and Sport Committee*, 7 February 2017; c 35.]

That related to children and young people signing contracts to play for clubs. I queried the use of the word "control" with him because I thought that it was particularly strong language and played into a power imbalance between children, their parents and professional clubs. What is the SFA's role in that and what can it do to redress that imbalance?

Stewart Regan: First of all, we were astonished at the children's commissioner's suggestion that the power vacuum that existed between clubs and vulnerable children somehow created an opportunity for predators or paedophiles—call them what you will—to operate. There is absolutely no evidence to suggest that that is the case. We are dealing with historical child sex abuse issues, which are subject to a separate, independent investigation.

Clare Haughey: Sorry, but that was not the issue that the children's commissioner was alluding to; it certainly was not the inference that I took from the information that he gave us at the

hearing. Rather, it was about a power imbalance between clubs and children because of the contracts that the latter were signing and the conditions attached to those that were being imposed on children and young people. It was not about sexual or physical abuse; it was about that power imbalance, which, in itself, can be abusive.

Stewart Regan: The language used and the implication of the correspondence suggested something different.

As far as your comments about the power that clubs may or may not have over children are concerned, that has been the subject of a separate committee, which has been running since 2010. The Scottish FA, the Scottish Professional Football League and the clubs have made a number of changes to our procedures to improve the situation that the children's commissioner refers to. The children's commissioner presented at a convention on the subject. He was invited to come and visit a number of the academies to experience at first hand what goes on there and the procedure that is followed. The concerns about contracts are overstated. We have made those points clearly and directly to the children's commissioner, and we remain in dialogue on a number of those matters as we speak.

Andrew McKinlay: The last time I was here, I mentioned a statement by either Children 1st or the National Society for the Prevention of Cruelty to Children in Scotland that we have to have a culture that values children. We are very conscious of that. We have brought in, for example, a children's wellbeing panel so that, where there are concerns, they can be looked at from a child's perspective. Also, because we are very aware that football is often seen as an area in which the big committees make the decisions, we have brought in a youth congress in which young people will help us to make decisions. It will look at governance issues and take into account the views of young children. We are cognisant of the need to improve the culture so that it values children. We will keep working on that.

Clare Haughey: For the record, will you say that you do not believe that there is a power imbalance, Mr Regan?

Stewart Regan: I do not believe that there is a power imbalance. Processes and procedures are in place that we are explaining—and I have continued to explain them to the Public Petitions Committee. We have made changes to try to deal with some of the concerns that have been expressed. There is a difference between amateur and professional football. We follow a pathway that is clearly laid out for all parties. We have made changes to that pathway to allow certain players to be released within 28 days, as opposed

to players feeling that they—or their parents feeling that their children—are signed up for longer than that.

Clare Haughey: The fact that you allude to players being “released within 28 days” when we are talking about children leaves me with some concerns, but thank you for your answer.

The Convener: On a totally unrelated matter—I am only going to ask about it because you are here in front of us—I want to ask about the release of financial information on the amount of money that the SFA makes or profits from as a result of compulsory courses. I know that a number of MSPs from across the parties have been involved in the issue and have tried to get that information. I have a straightforward question: why will you not release that information?

Stewart Regan: The Scottish FA effectively ploughs all our revenue back into the game of football, so in order to operate a coaching department, with a team of coaches, we simply recycle that money—

The Convener: Will you provide the committee with something that is transparent, so that we can see that?

Stewart Regan: Absolutely—I have no issue with providing information in that regard.

The Convener: Thank you. I thank everyone for their attendance this morning. We will suspend briefly to allow the panel to leave.

11:24

Meeting suspended.

11:26

On resuming—

Sport for Everyone

The Convener: Agenda item 2 is an opportunity for everyone to discuss our recent fact-finding visits for the sport for everyone inquiry. On Monday 27 February, a number of members visited Aviemore primary school and community centre, Kingussie high school and the Badenoch centre, all in the Highlands, while other members went to Easterhouse and Drumchapel in Glasgow.

In Easterhouse, we met people who experience barriers to participation in sport, visited the Phoenix community centre, which is a largely self-funded operation, and then went on to the Drumchapel community hub. The following day, members were in Muirhouse in Edinburgh for a session with people who experience barriers to sport, while others attended the Spartans Community Football Academy. First of all, I thank the people in the communities who assisted us and facilitated our visits, which were very good. All the people who participated in our discussions certainly gave us a lot of food for thought.

I invite comments from members to allow us to put on the record themes for our inquiry that emerged from our visits.

Donald Cameron: Miles Briggs, Maree Todd and I went to Aviemore and Kingussie. I record my thanks to the clerks for organising the visits and to the organisations that we met—High Life Highland and the people who work in the community sports hub, Aviemore primary school and Kingussie high school.

I do not want to take up too much time, but I will highlight some issues that emerged. There is, for example, an issue about sports participation in rural areas, where community identities are perhaps stronger than they are in very urban areas, and the extent to which the great work that we saw in the Highland Council area could be transferred to a metropolitan or urban setting.

It also struck me very much that if there is pressure on funding—which there is—we should emphasise participation in sport rather than elite sport and high performance. The clubs that we spoke to said, “Look—it’s more important to get people involved, and we clubs will pick up the high performers as they come through the system.” That is an important point to make.

I do not know whether this was reflected in Easterhouse, but it is obvious that there are some key individuals upon whom a lot sits. For instance, the community sports hub officers who work for High Life Highland are obviously instrumental in keeping all the balls in the air, as it were. I hope

that, if there are funding pressures, the powers that be recognise the importance of those individuals, especially given that a lot of organisations rely on volunteers.

11:30

Maree Todd (Highlands and Islands) (SNP):

The guys up in Kingussie and Aviemore were keen to highlight how hard they work on making it happen. We were awestruck by how great the co-operation is between clubs, the local authority, education and the health service. It is really quite impressive.

The point is regularly made to the guys in Kingussie and Aviemore that what they do could not be done in the central belt and that it is easy for them in the Highlands, but that underacknowledges how hard they work at what they do. They also said that some things could easily be done in every school in Scotland. For example, they had a sports day in Kingussie to which they invited all the local clubs in order to give everyone a taster of the various sports that are available in the area. Every school in Scotland could do that, if it had the will. One of the things that has made a difference in Kingussie in providing the will is that the high school's headmaster clearly recognises the importance of participation in sport to attainment, and values it. That could happen in any school in Scotland.

Miles Briggs: I would like to touch on some of the points that Maree Todd and Donald Cameron have made. It was fantastic to see the passion of every person we met—especially the two community sports hub officers, who kept being referred to as the glue that holds everything together. There is concern that they might, if there are budget restraints in the future, be under pressure to go. We should address the fact that all the good work could be in jeopardy.

I was also hugely impressed by the youth leaders. All three of us tried line dancing, with varying degrees of success. The children get more out of the classes because they are led by young people. That represents an opportunity for all schools across Scotland to increase the amount of exercise that takes place during the school day.

Our visit to Spartans Community Football Academy raised an issue that will be of growing importance in the future: what happens to children when they are not at school during the summer months? One of the biggest issues that I took from the visit was the holiday hunger for sport that arises and the lack of access to facilities. We ought to consider whether the school estate should be open during the summer to meet that need.

Alex Cole-Hamilton: I attended the visit to the Muirhouse millennium centre, which happens to be in my constituency. We met a number of local residents who declared themselves not to be engaged in sport in any way. Over a series of discussions with those residents, we tried to unpack what are the barriers to their participation. I am sure that I speak for colleagues who were also on the visit when I say that I was quite surprised that what came out in our discussion was that embarrassment is the single biggest inhibiting factor. I expected factors such as cost, lack of availability and inconvenience to be raised, but more than a handful of the people whom I spoke to cited embarrassment as being the key inhibitor to their getting involved. I thought that that was very telling and wonder whether it could change our approach. Perhaps we could drill down into that particular barrier.

Alison Johnstone: In the first session on the Easterhouse visit, we met people who are probably furthest from taking part in sport. I heard from a woman who said that the feeling that she had to put on a full face of make-up and her best Lycra before she could get herself into the gym, where everyone would be staring at everyone else, means that she would prefer to do something more relaxed.

In the first session, I felt that the people had real barriers, some of which were the ones that we hear about time and again—for example, cost and time. However, a barrier that I had not heard about previously was people's concern about hurting or injuring themselves and then missing work because of that. That was a new one to me. People are concerned that they would not be able to access physiotherapy and that they could be out of action for months. The people in that group had real difficulty engaging. There was a man there who has epilepsy and arthritis, but even he is able to play snooker and pool. The social side is massively important.

On the rest of the day, the thing that struck me when we went to visit the chap in Easterhouse was that he felt like a lone ranger to me, and I could not decide whether he actually wanted help or if he was slightly resistant to it. I do not know what others thought about that. By the way, Neil Findlay and I played table tennis—

The Convener: Badly.

Alison Johnstone: Yes—badly. I could not decide whether that chap is reluctant to accept help because he has put so much into the centre and does not want it to be spoiled or lost.

We saw the traditional community hub in the afternoon, which was really impressive. I have met Terry the table tennis player before. There are real characters in those situations: everything seems to

hinge around one person. It would be interesting to see what would happen if they were not there. Support is clearly needed.

Clare Haughey: The gentleman at the Phoenix centre in Easterhouse is a remarkable man, in terms of his drive and energy. He has single-handedly driven that whole project to the point where it is just about to come to absolute fruition and be a centre that—Miles Briggs mentioned this—is open and accessible outside school hours. He has to be commended for the amount of work that he has done.

The conversation in Easterhouse about difficulties in accessing sport was fascinating. Like Alison Johnstone, I heard differing views about why it is difficult to access sport. Some people said that, if they had a buddy with them, they might feel more reassured about going into a gym or a sports centre that they had not accessed before. It is quite daunting going into that environment.

In the afternoon, at Drumchapel sports hub, we heard that a link worker from one of the deep-end general practices had started up a group to help women who are suffering from mild to moderate depression, agoraphobia and anxiety and who are not getting out of the house or socialising. Although it did not have a sports focus, a group was set up in the sports hub to get those ladies into a group setting and encourage them to socialise and talk about their problems and issues. It has grown into a tennis club, which people spoke about with enthusiasm; they said that it has been a motivating factor and has helped them to get back on their feet and to get out and re-engage with society. It has reduced their contact with health services, because they have been accessing sport and socialising. There are real lessons to be learned—particularly as the roll-out of link workers continues throughout the country over the next few years—about how the role can be utilised.

The Convener: A number of things came up on the visits in Glasgow. There is a long list of issues, including people's lifestyles and people being too busy trying to make ends meet and not having spare cash to spend on leisure activities for themselves or their families. There were a lot of points made about health, cost, social isolation, gender issues and transport as well as about wider societal issues around housing, environment and territorialism.

The point about the individual anchor people is key. We can see that, if one or two people in some groups fell under a bus, the groups might wobble to the point of falling over. Although some groups have lots of individuals who would, I hope, take up the baton, that is a concern. That situation will be

repeated across the country in a number of organisations.

Particularly in Drumchapel, the social aspect of belonging to something came out. Participation is not necessarily about wanting to be the next Andy Murray or whoever; it is about just being part of something and enjoying even just watching sport taking place. Being among both young people and older people is another significant issue.

I was struck by the strong relationships with Glasgow Life through its sports coaches and active schools co-ordinators. Maree Todd, I think, made a similar point about the Highlands. That is good, but it links to the issue of local government funding, which was raised repeatedly. There are partnerships with local government, but they are getting more precarious.

Those were my observations in two minutes.

Maree Todd: On that point, convener, one thing that the people whom we spoke to in the Highlands do to maximise what they get for their money—they said that it could happen across the country—is use young leaders to deliver sports courses and things like that. Children at higher level in school get the chance to take on leadership roles and get accreditation for that work. In essence, they provide a free resource to the organisation by delivering classes. The people are being incredibly innovative. We saw from the written evidence a couple of weeks ago that young kids at school are delivering dance courses by videoconference to islands. It is incredible—people up north face the same resource challenges as others, but are doing something really creative about it.

The Convener: We have captured lots of information from the visits, and we have reflected on some of the themes. The visits were certainly helpful in informing our work, which we will continue over the next few weeks.

As agreed, we now move into private session.

11:41

Meeting continued in private until 11:59.

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