



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Health and Sport Committee

**Tuesday 5 September 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**HEALTH AND SPORT COMMITTEE**

**18<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)

Alex Cole-Hamilton (Edinburgh Western) (LD)

\*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)

\*Alison Johnstone (Lothian) (Green)

\*Ivan McKee (Glasgow Provan) (SNP)

\*Colin Smyth (South Scotland) (Lab)

\*Maree Todd (Highlands and Islands) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Lorna Gibbs (Disclosure Scotland)

Gerard Hart (Disclosure Scotland)

Duncan Mayze (Scottish Youth Football Association)

John McCrimmond (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 5 September 2017*

*[The Convener opened the meeting at 10:02]*

#### Interests

**The Convener (Neil Findlay):** Good morning, everyone, and welcome to the 18th meeting in 2017 of the Health and Sport Committee. I welcome everyone back from recess. I am sure that you are fully refreshed and that we all have our new school bag and pencil case with us for the new term.

I ask everyone in the room to ensure that their mobile phones are switched off or to silent. You can use them for social media, but do not film or record proceedings.

The first item on our agenda is a declaration of interests. In accordance with section 3 of the “Code of Conduct for Members of the Scottish Parliament”, I invite Brian Whittle to declare any interests relevant to the committee’s remit. I remind members that any declaration should be brief but sufficiently detailed to make clear to any listener the nature of the interest.

**Brian Whittle (South Scotland) (Con):** Thank you, convener. I am director of a collaboration and communication platform that includes healthcare in its clientele. I do not take an active part in that business anymore or take any remuneration from it.

I am also a board member of the west of Scotland NSPCC and—pertinent to today’s meeting—a level 4 coach, a former chair of Athletics Coaches Scotland and a member of the European Coaching Association.

**The Convener:** Thank you, Brian, and welcome to the committee. It is only right that we also put on record our thanks to Donald Cameron for his work when he was a member of the committee.

## Subordinate Legislation

### Carers (Scotland) Act 2016 (Prescribed Days) Regulations 2017 (SSI 2017/207)

10:03

**The Convener:** Agenda item 2 is subordinate legislation. We have one Scottish statutory instrument that is subject to negative procedure to consider today. There has been no motion lodged to annul the instrument and the Delegated Powers and Law Reform Committee has not made any comments on it.

During our predecessor committee’s scrutiny of the Carers (Scotland) Bill, stakeholders raised concerns about the estimated costs set out in the financial memorandum. In response, the Scottish Government set up a finance-led group with key stakeholders, including the Convention of Scottish Local Authorities, carers organisations and others, to consider cost estimates. In its responses to the committee’s stage 1 report, the Scottish Government stated that it would write to the Health and Sport Committee and the Finance Committee, setting out the conclusions of the finance-led group. Do members agree that we should write to the Scottish Government and ask for the findings of the finance-led group?

**Members indicated agreement.**

**The Convener:** The SSI requires local authorities to publish their eligibility criteria, however it is not clear whether that would be before or after the funding to them has been established. If it is after funding has been allocated, there could be concerns that rather than ensuring delivery of better and more consistent support for carers, the level of support provided to carers could be driven by the budget. Does the committee agree that we should also write to the Scottish Government to establish the timings for the criteria and budget setting for eligibility? The committee could also request information on the mechanism that will be used for distributing the funding.

**Members indicated agreement.**

**The Convener:** Does the committee agree to defer a decision on whether it wishes to make a recommendation on the SSI until we receive further information from the Scottish Government? We do not have to make a decision on the instrument until 25 September.

**Members indicated agreement.**

## Child Protection in Sport

10:05

**The Convener:** Our next agenda item concerns child protection in sport. We have two panels this morning. First, I welcome Stewart Regan, chief executive, and Andrew McKinlay, chief operating officer, both from the Scottish Football Association; and John McCrimmond, chairman, and Duncan Mayze, director of finance, both from the Scottish Youth Football Association.

I remind members that under the standing order on sub judice matters, no mention should be made in today's evidence of any live cases or any issues that might prejudice those cases.

I want to ask for some clarity around the position of the chief executive of the SYFA. Am I correct in saying that he has stood down?

**John McCrimmond (Scottish Youth Football Association):** Yes, that is correct.

**The Convener:** Okay, thank you.

**Clare Haughey (Rutherglen) (SNP):** I thank the panel for joining us this morning. Can you help the committee by describing how someone applies for a PVG—protecting vulnerable groups—scheme certificate through one of your organisations? If, tomorrow morning, I present myself to a soccer academy or soccer youth group wanting to volunteer, what is the process? Will you talk me through it?

**John McCrimmond:** Yes. When an individual presents himself to the club, the club will know the individual and what he is about and it will do the initial vetting to ensure that it is happy with him presenting. We have made some changes to the process that we have presented in our written submissions. After a person has presented and the club then accepts that it will bring him into the organisation to work with the kids, the individual will, from 21 August this year, apply to join the SYFA. They will not be allowed to join the SYFA until they have attended a PVG night, where they will fill in a PVG form and start the process. Once the office has received the application form, it will then grant provisional membership, which is a probationary membership that will allow them to work with the club under supervision by PVG certificate holders. Once their PVG process is complete and we receive the returned certificate—provided that is all in order—they will be granted full membership.

Before 21 August 2017, there was a three-month window to allow them to attend the PVG night, but we have now closed that.

**Clare Haughey:** Can you explain in a bit more detail? You have given a very strategic overview, but what happens in practice?

**John McCrimmond:** In practice, the individual joins the club, the club goes online and registers the individual. That generates the information that needs to go to the league for the individual to be presented to an additional signatory to ensure that they are who they say they are and everything is in order with the form.

**Clare Haughey:** So they go along to another meeting.

**John McCrimmond:** Yes. They go to a meeting with an additional signatory. That can happen in several different ways: they can go to a pre-organised meeting with their league; go to another club that has an additional signatory that can do it for them; or, if it is urgent and needs to be done quickly, one of our additional signatories can go and meet them at the club and deal with the forms. The form then goes to the SYFA office and is checked against the system and logged, then the individual is granted the probationary membership.

**Clare Haughey:** Who checks them on to the system at the SYFA?

**John McCrimmond:** The SYFA office staff.

**Clare Haughey:** It is done by office staff, not volunteers.

**John McCrimmond:** Office staff do it.

**Clare Haughey:** What are PVG nights?

**John McCrimmond:** At certain points in the year more than others, clubs will have more than one new volunteer coming along and there might be five, six, seven, eight or nine clubs with new volunteers. Therefore, the league organises a specific night for volunteers to turn up with their documentation and identification and begin the PVG process.

**Clare Haughey:** You mention “the league”. Who is the league? Who are the people who run the PVG nights?

**John McCrimmond:** When I refer to “the league” I mean the volunteers who are members of the league committee that organises that particular league's events: the league and cup competitions. They administer the league and start the PVG process with the individual.

**Maree Todd (Highlands and Islands) (SNP):** I have a couple of supplementary questions to Clare Haughey's line of questioning. First, how often do you hold PVG nights? Do you hold them throughout the country?

**John McCrimmond:** Yes, they are held throughout the country. As part of our on-going

improvements, we have met the leagues and are working with them on this. We have requested that they do a PVG night every month so that we have an on-going system to get it done.

**Maree Todd:** So it will happen every month in all areas.

**John McCrimmond:** That is what we have requested. Not all leagues will do that, because some are smaller than others. It will depend on the size of the league and what it requires. We are also in the process of setting up a group of additional signatories who can support leagues that maybe need a bit more help if they have a backlog because of the number of people that they have to do. For example, if a league has 20 people to do and can do only 10 that night, we can supply an additional signatory to support it.

**Maree Todd:** Can you give us a little bit more detail on that? I represent the Highlands and Islands and I can already see that there might be a challenge in folk getting all over the country. It would be very helpful to get a little bit more information about how often those things happen, where people are based and how far they travel.

**John McCrimmond:** As you say, it depends on the geographical area. In the Highlands and Islands, we would look to sanction individuals from the clubs to be additional signatories, so that we could do that part of the process—verify that aspect so that the system can start to run.

**Maree Todd:** Okay. That is fine.

We got an email from a chap called Peter Glancey, who used to be the chair of the SYFA. He mentioned that the SYFA looks for a birth certificate when confirming identity, which is not a standard requirement—usually, people can use alternative types of ID for a PVG check. Why do you use something different from the general PVG requirement and that might be trickier for people to get their hands on?

**John McCrimmond:** To be perfectly honest, I do not know the answer to that question. I was not party to the original set-up of the requirements. I would need to look into that and see when we decided that we need a birth certificate when other organisations do not.

**The Convener:** It would be helpful if you could provide that information.

**John McCrimmond:** Certainly.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I have a supplementary question to my colleague Clare Haughey's point about PVG nights. I was a teacher before I was elected and I understand that some sort of child protection training is involved in applying for the PVG scheme. Do any of the PVG nights involve any

child protection training, as would be expected for volunteers? Do you work on that with the SFA or Disclosure Scotland?

**John McCrimmond:** We work on that training on an on-going basis with Disclosure Scotland, Volunteer Scotland and the SFA. The leagues have training nights on child welfare and there is additional signatory training, so that additional signatories understand the requirements.

**Jenny Gilruth:** Is that training compulsory?

**John McCrimmond:** Yes, it is part of what we set out; it is not something that would not be done, if that makes sense.

**The Convener:** But that is different; is it compulsory?

**John McCrimmond:** It is not compulsory, but a directive that we are working on with the SFA will make it compulsory.

**Stewart Regan (Scottish Football Association):** Part of the directive that the SFA put in place last October involves online education being undertaken on a compulsory basis by all the people who go through the PVG scheme.

**The Convener:** What happens if they do not complete that?

**Stewart Regan:** Then the organisation would be in breach of the requirement. We would bring that to its attention and deal with it through our normal channels.

**The Convener:** By "organisation" do you mean the team?

**Stewart Regan:** In the first instance, we would flag it to the SYFA, which would then be responsible for taking it up with the relevant league and/or club, depending on where the fault lies.

10:15

**The Convener:** Forgive me, but the SYFA might not have the best of records in that regard. Are you confident that it has the capacity to do that?

**Stewart Regan:** I am absolutely confident. Since we last met the committee, we have had a new leadership team put in place, who are here this morning representing the board. They have acted very diligently and conscientiously. They have put in place a series of new processes and procedures. They have also invested in resource, which was one of the points that this committee raised at our last meeting; they have put additional resource in place, and it is not voluntary resource. They have agreed to come on board with the SFA's information technology system so that we have a single IT solution.

I am very confident in the changes that have been made and that some of the challenges that were presented at the last committee meeting have now been addressed.

**Brian Whittle:** Good morning, panel. At what point in this process do volunteers get to work with children?

**John McCrimmond:** As of 21 August, volunteers are not allowed to work with children until we have received their forms and those are in the PVG process. At that point, the volunteers become provisional members, which allows them to work with the kids, provided that they are working with and supervised by a PVG holder.

For the information of the committee, from 1 April 2018, we will remove provisional membership, and a volunteer will not be allowed to work with kids until we have completed the PVG process on that individual.

**The Convener:** If you see the system as not being satisfactory and you are going to change it, presumably you would want to change it now. What is stopping you from changing it now?

**John McCrimmond:** The first change—from having a three-month time lag to individuals having to present themselves for PVG screening—went into effect on 21 August. To get to where we want to be—and we think it is the right place to be—we have to make sure that we have the infrastructure in place. That is why we are making the change in two stages. Stage 1 is to remove the three-month time lag, which we have done. In April, leading into season 2018-19, we will move directly to having the PVG forms back before we allow membership.

**Stewart Regan:** I can clarify, for members' understanding. Currently the SYFA has a category called "provisional member". Being a provisional member means that you can work in a club environment with children, provided that you are working with somebody who already has a PVG agreement in place.

In the future, from 21 August, the provisional member category will disappear completely. People will be either approved or not approved. If they are not approved, they will not be allowed to work with children in the club environment. It is black and white and very clear and simple.

**Brian Whittle:** Is it mandatory for clubs to have a child protection officer?

**John McCrimmond:** Yes.

**Brian Whittle:** So there is no way that a club could circumvent those rules.

**John McCrimmond:** When you say "no way", I would say that the rules are in place and we monitor the clubs in respect of the PVG scheme

and we have child protection officers, so we are confident that we have the infrastructure in place to handle the situation. We do not foresee having a problem with it.

**Brian Whittle:** Does someone have to have a coaching qualification to work with children?

**John McCrimmond:** At the moment, a club is required to have at least one 1.2-level coach.

**Brian Whittle:** So someone can work with kids without a coaching qualification.

**John McCrimmond:** Yes. They can be a coaching assistant, if you like, and work with the coach.

**Brian Whittle:** With the greatest respect, a coaching assistant is still a level of coach. What I am saying is that someone can work with children without a coaching qualification.

**John McCrimmond:** Well, people can work with the club, but the club must have a level 1.2 coach there to supervise them. That is not really relevant to why we are here today, is it?

**Brian Whittle:** I think that it is.

**John McCrimmond:** In what respect?

**Brian Whittle:** Learning about child protection is part of a coach's education. I am asking about it in order to address your direction of travel.

**John McCrimmond:** That is fine. I just needed to understand the relevance.

You are correct in saying that a coach's education in respect of child welfare and child protection is paramount, and that is not tied to whether they are taking a level 1.1 or a level 1.2 coaching certificate. That is part of what we are doing with the SFA and the clubs. As Stewart Regan pointed out, part of the directive is that every one of our members—all 15,000 of them—will be required to do at least online child welfare training, and all the child protection officers will have to do the online training and a two-hour session in respect of child welfare. That is part of the directive—I think that that is where you were going with your question.

**The Convener:** Mr Regan said that the new system came in on 21 August, but I think that you said that it will begin in April.

**John McCrimmond:** I am sorry, but I must correct Stewart Regan. On 21 August 2017, we removed the three-month allowance, so all membership applicants would have to start the PVG process. From 1 April 2018, we will remove provisional membership completely. We would have liked to do that right away, but we need the infrastructure and everything else in place to make it work.



**The Convener:** Brian Whittle referred to child protection officers. The letter that we received mentions the SYFA child wellbeing and protection officer. Is that a new post?

**John McCrimmond:** Within our organisation, there is an officer who is responsible for child protection.

**The Convener:** How long has that officer been there?

**John McCrimmond:** The post has always been there.

**The Convener:** Why have we never heard from the officer?

**John McCrimmond:** I cannot answer that question.

**The Convener:** We are dealing with child protection and wellbeing, so why are we finding out only at this stage, from a letter that you have submitted, that you have a child wellbeing and protection officer in your organisation?

**John McCrimmond:** I can only apologise if you feel that the officer has not contacted you.

**The Convener:** It is pretty fundamental to the issue.

**John McCrimmond:** I can only apologise. The matter is dealt with through the organisation. The child wellbeing and protection officer's role in the office is to deal with stuff as it comes in.

**The Convener:** Okay.

**Alison Johnstone (Lothian) (Green):** Two organisations that might help you to get where you want to be, and which might provide at least some infrastructural support, are Disclosure Scotland and Volunteer Scotland. When the Scottish Government responded to the committee's report, it suggested that it was anxious because the SYFA could fall behind again due to its limited administrative capacity, but that Volunteer Scotland and Disclosure Scotland could provide additional support. The Government has also stated that it feels that progress is being made to improve the way in which the SYFA operates. What support are you receiving from Volunteer Scotland and Disclosure Scotland?

**John McCrimmond:** We are very much engaged with Volunteer Scotland's disclosure service and with Disclosure Scotland in what we are doing. As Stewart Regan pointed out, we have put in resource early to ensure that we can do what we have to do. I have some information on where we are in the numbers, so to speak.

The previous time we attended the committee, we looked at where we were. Between March and August, we sent 6,181 applications for PVG

scheme membership to VSDS and received 6,171 certificates back. We are working with VSDS and are letting it know where we are, the numbers that we are working with and what support we need. That has been working well over the past few months, and we are looking forward to taking that work forward.

**Alison Johnstone:** Thank you. The committee's report suggested that funding should be conditional on adequate procedures being in place and timeously adhered to. In its response, the Scottish Government stated that its investment agreement with the SFA for 2017-18

"will include robust specific conditions relating to safeguarding and the Scottish FA will be held to account on these conditions."

What specific conditions have been included in an agreement?

**Stewart Regan:** We have agreed a series of objectives that came out of the directive that we have put in place for all members. Members have to go through a series of stages, including in training and in completion of implementation of new guidelines and policies. Those have to be in place for all members. We have a series of trigger dates, and we have agreed with sportscotland and the Scottish Government that all those dates will be adhered to, and that funding is conditional on that. We have signed up to that.

**Colin Smyth (South Scotland) (Lab):** Good morning, panel.

The committee published its report in April. On 28 June, a BBC investigation reported that between 2014 and 2016 Disclosure Scotland informed the Scottish Youth Football Association that 116 of its members were under consideration for listing by Disclosure Scotland. However, the SYFA had records of only 69 such cases. I am sure—as you will appreciate—that it would seem to be very difficult for you to take action on such cases if your records do not match those of Disclosure Scotland. Is the panel satisfied that, as a result of the steps that you have taken, a situation cannot arise again in which information that the SYFA holds is completely different from that which is held by Disclosure Scotland? Exactly what steps have you taken to ensure that such a situation does not arise again?

**John McCrimmond:** I will answer the question by saying where the issue came from, where we are and where we are going.

The issue resulted from our information technology systems being inadequate in relation to answering the questions around that particular number. Subsequent to the BBC report, we engaged with Disclosure Scotland to check all 116 records. Although we could not easily extract the number, we could interrogate the system for every

single individual, and we carried out that interrogation. I give the SFA, with which we have worked closely, big thanks in respect of the IT. We are integrating our system with the SFA's system; that will allow us to have the reporting suites that we require in order to answer such questions. In the short term, we will work on numbers closely with Disclosure Scotland. We will talk to it and ensure that we are on track, and we can keep that work going. In the future, it will be about the ability to pull out such information on request.

**Colin Smyth:** Are you satisfied that the interim procedures that you have in place mean that you have the information to deal with all the individual cases?

**John McCrimmond:** Yes. We can extract the information, working with Disclosure Scotland, and we are happy with that.

**Maree Todd:** You said that you closely interrogated the records. Were they the records of the 116 people whom the BBC identified or the records of everyone?

**John McCrimmond:** We interrogated the records of those 116 people plus records of people up to July 2017. I believe that the 116 cases were up to 2016; with Disclosure Scotland, we checked right up until July 2017. Each one of the 116 people was double checked.

**Maree Todd:** Okay. There were three individuals in that list whom the Scottish ministers had listed.

**John McCrimmond:** That is correct.

**Maree Todd:** How long after they were listed did each individual work with children?

**John McCrimmond:** I do not have the information on that, but once those people were identified via the systems, they were removed.

**Maree Todd:** Do you mean once they had been identified via the BBC?

**John McCrimmond:** No—I mean once they had been identified by Disclosure Scotland. They were dealt with in the appropriate manner at the time when listing happened. There was no gap between when the people were dealt with and the BBC report; an individual who was listed in 2015 would have been removed in 2015.

**Maree Todd:** How could three people who were listed, out of those 116 people, still be on your books?

**John McCrimmond:** They were not. As our written submission says, those three people were removed from the association at the point at which it was informed that they had been listed. When Disclosure Scotland lets us know that there is an issue, the individual is precautionarily suspended.

If that person is then listed, they will be removed immediately, when we are told that.

**Maree Todd:** Forgive me; I do not think that I quite understand the system.

**John McCrimmond:** Keep pushing, because I can give the answer in a fashion that can—

10:30

**Maree Todd:** If your system for when Disclosure Scotland informs you that someone is being considered for listing is absolutely watertight, how did you think that only 69 people were being considered for listing when there were 116?

**John McCrimmond:** That is a good question. I will explain two things. I will explain how the system works. When Disclosure Scotland lets us know that someone is being considered for listing, it informs us, and we go into our system.

**Maree Todd:** Did Disclosure Scotland inform you about 116 people?

**John McCrimmond:** Yes, Disclosure Scotland did inform us. We checked all the information, and from that check saw the three people who were eventually listed. When it informs us that somebody is being considered for listing, we immediately precautionarily suspend that person. We then wait for the outcome of the consideration, which will be listing or not listing. If the person is listed, we remove them there and then, but they will have been suspended the minute we were told that they were being considered for listing.

The problem with our previous IT system was that, when the status of an individual was changed, it overwrote the information. The problem was how to interrogate historical information; when we were asked how many people were listed between two dates, it was difficult for us to go into the system to get that information. However, when we work closely with the SFA in the future, we will be able to answer those questions, when we need to.

**The Convener:** In simple terms, your internal systems for removing people who were identified were working. I hope that I understand.

**John McCrimmond:** Yes.

**The Convener:** However, your communication system with Disclosure Scotland, with regard to information technology, was not working.

**John McCrimmond:** I do not know whether it was our communication with Disclosure Scotland that did not work. We were not, for example, able to pull out information for a particular time and date about how many people were listed or were being considered for listing in a given month.

**The Convener:** From what I understand, that would be consistent with what the BBC found out. It went back several times to the SYFA and asked whether it was sure about those numbers, to which your organisation said, “Yes”. The BBC said that the numbers were not correct, according to its freedom of information request. Is that how you see it?

**John McCrimmond:** I see the situation exactly as you have described it, convener.

**The Convener:** Therefore, is your answer “Yes”?

**John McCrimmond:** Yes. We could not get the correct information. We gave the BBC the information that we had and which we believed was correct. However, it has turned out that it was not correct.

**Miles Briggs (Lothian) (Con):** I want to pursue the question about IT. You have admitted that your IT systems were not up to scratch, but you are handing them down to member organisations. What assurances do you have that they will not, in a year, be in the same situation that you were in? What do you know about investment by them in their IT systems?

**John McCrimmond:** The IT system does not cascade; it covers all our members. In linear time terms, at the beginning of the season the league registers, the clubs then register to the league, then the officials register to the clubs. Going forward, all that information, along with the appropriate reporting suites, will sit on the SFA’s system. Not only will we have the reporting suites, but we will work closely with the SFA, which will also have the reporting suites, so it will know the exact numbers at the same time as we do.

**Miles Briggs:** Can you now say to parents and guardians that the system is completely watertight?

**John McCrimmond:** I will be able to say that when we get there, once we have all of that system in place. In the short term, we have to migrate information and put in the right reporting suites. We will then be able to look at historical information.

**Stewart Regan:** When members use phrases such as “watertight”, that implies that there is an issue as far as child safety is concerned. John McCrimmond has described improvements to the process and to the visibility of information. The SYFA could not pull down historical reports, which was why it could not identify the gap between the figures of 69 and 116 that Maree Todd referred to earlier. The SYFA took action with the individuals at the point at which it was notified, but it could not produce the historical data to back that up.

Our system will now migrate to the SFA. That system, which has been available to all the members for many years—the SYFA was the only affiliated association that did not come on board—will provide historical reporting and give access to the data that we are talking about.

**Miles Briggs:** Is the system now more bureaucratic or less bureaucratic?

**Stewart Regan:** I would not use the term “bureaucratic”. The system is used in all other parts of our non-professional game, which gives visibility and transparency, and identifies when the PVG scheme has been completed. The process is robust, rather than bureaucratic.

**The Convener:** Do you accept that you have a much more important role in oversight and scrutiny?

**Stewart Regan:** The panel’s position on the issue has encouraged us to look at the distance between the SFA and the SYFA and, where there have been gaps, to work together more closely.

The affiliated associations still have devolved responsibility to run youth football—they are responsible for making things happen. We have come closer together to make sure that we provide the support—in governance, IT, resource and finance—to allow them to do the job. We have a much closer working relationship that did not exist under the previous regime.

**The Convener:** I understood the latter part of your statement, but I did not quite understand the former part of it. However, I accept that you are more involved. Would it be fair to say that you are more involved?

**Stewart Regan:** We are more involved and we are working much more closely with the SYFA.

**Ivan McKee (Glasgow Provan) (SNP):** I want some terminology to be clarified. You have talked about listing and consideration for listing. What do those terms mean? In what part of the process do those things become apparent? My understanding of the PVG process is that when an application is made, Disclosure Scotland checks against a list that it has and comes back and either provides a certificate or says that it is not giving one. Is that what you mean by listing, or does listing happen later when the Disclosure Scotland’s database changes or when some other information becomes apparent?

**John McCrimmond:** Listing can happen in two ways. First, following an application, Disclosure Scotland might send back with the PVG application information that the individual is being considered for listing. That might apply to a new individual coming into an organisation.

The second way relates to individuals who are already in an organisation. If information comes to light, Disclosure Scotland will explain what it is and will inform the organisation that the person is being considered for listing.

So, there might be a new applicant who the organisation sees is being considered for listing, or a person might already be a member and the organisation is informed that the person is being considered for listing. The process is the same for both. The person is precautionarily suspended until such time as Disclosure Scotland comes back to say whether the person has been listed. If the person is listed, the issue is straightforward—membership is not granted or, for an existing member, it is removed.

**Ivan McKee:** Again, just to be clear, the figure of 116 that we are talking about appeared during a period in which you were obviously putting thousands, if not tens of thousands, of people through the scheme. Is 116 the total number who were—if you like—rejected?

**John McCrimmond:** No. As I discussed with Ms Todd, three people were rejected.

**Ivan McKee:** I am sorry. I meant to ask whether of the thousands, or tens of thousands, who went through, 116 in total were considered for listing.

**John McCrimmond:** Yes. That was the number in 2014, I think.

**Ivan McKee:** Right. The vast majority of applicants went through. I do not know the percentage, but 100-odd out of tens of thousands were considered.

**John McCrimmond:** Yes. It was 116 out of a large number.

**Ivan McKee:** Out of those 116, only three were listed. Therefore, the vast majority of those who were considered for listing were not listed.

**John McCrimmond:** That is correct.

**Ivan McKee:** Okay. That is clear. Thank you.

**Clare Haughey:** Have members of the panel completed child protection training?

**Stewart Regan:** I have.

**John McCrimmond:** I have not.

**Clare Haughey:** Do you have plans to do so?

**John McCrimmond:** Yes. That is part of the discussions that we are having with the SFA and part of ensuring that we are all in line with the directive.

**Clare Haughey:** Mr McCrimmond and Mr Mayze—how long have you been members of the SYFA?

**John McCrimmond:** I have been a member of the SYFA since its inception in 1999. I was in youth football before that and then became a member of the SYFA when it came into its present form in 1999.

**Duncan Mayze (Scottish Youth Football Association):** I have been a member since 1999.

**John McCrimmond:** I have been on previous child protection courses with Children 1st but, in the context of where we are now, we want to go through the new processes.

**Clare Haughey:** So, you have completed some child protection training but not the current training.

**John McCrimmond:** Yes.

**Clare Haughey:** What about you, Mr Mayze?

**Duncan Mayze:** I have done no such training.

**Clare Haughey:** You have done no child protection training whatsoever.

**Duncan Mayze:** No—although I have been PVG checked.

**Clare Haughey:** That is not what I was asking about. I asked about child protection training.

**Duncan Mayze:** I know.

**Clare Haughey:** Are you planning to do child protection training?

**Duncan Mayze:** Yes—I will plan to do that. I am not active in football. I deal purely with the finance, although obviously I attend games at which children are about, so I have to be PVG checked.

**Clare Haughey:** Do you accept that, as a senior member of the SYFA, you have a responsibility to be aware of child protection issues?

**Duncan Mayze:** Yes. I think that we should set an example.

**Clare Haughey:** Absolutely.

I want to ask Mr Regan about an issue that I raised with him when he was at the committee previously, and which was in the committee's report. I asked about concerns that had been raised by the then Children and Young People's Commissioner Scotland about the overall culture in professional football regarding children. He had spoken about control over children. I asked you about the power imbalance in the relationship between clubs and children. In our report, we said that it was not credible to say that there is no power imbalance, but you have reiterated that in your recent letter to the committee. Why do you still take that stance?

**Stewart Regan:** It is about the context in which the comments were made. In a letter that we

received from the then children's commissioner, he suggested that an imbalance could allow opportunities for sexual abuse to take place. We refuted that—

**Clare Haughey:** I am sorry to interrupt, but that does not answer the question that I asked you at the committee. I asked about what the commissioner had said at a previous committee meeting; I did not ask about a letter that had been sent to you. I was quite specific about that.

**Stewart Regan:** I cannot recall what was said at that previous committee meeting. You used the term "power imbalance". That term was used in a letter that we received from the children's commissioner in the context of such an imbalance providing a vacuum in which sexual abuse could take place. We thought that that was significantly overstating the situation and reiterated that we did not believe that such a power imbalance would allow sexual abuse to take place. That is the point that I made in that committee meeting. I may have given you the impression that I was talking about a different question; I am happy to take any specific question about what you mean by a "power imbalance".

**Clare Haughey:** Perhaps I could repeat the question that I asked you at the committee when I clarified my point. I said:

"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."

I specifically said that I was talking about something that had been said at the committee. It was about a power imbalance between clubs and children because of contracts that children and young people sign and the conditions that are imposed on them. To quote what I said at that meeting,

"It was not about sexual or physical abuse; it was about that power imbalance, which, in itself, can be abusive."—  
[*Official Report, Health and Sport Committee, 7 March 2017; c 22.*]

Do you accept that?

**Stewart Regan:** I do not accept that there is a significant power imbalance in such a way that children are somehow disadvantaged or put in a difficult place. It is clear at the beginning of the registration process exactly what happens as far as the child is concerned. Parents are involved and there is a clear process in place. Children are free to go back to play amateur football after a 28-day period if they are not playing for their team.

**Clare Haughey:** You talked about the 28 days when I raised the issue previously. It is not that they are free.

**Stewart Regan:** It is not what?

**Clare Haughey:** They are not free to leave. They have a contractual obligation.

10.45

**Stewart Regan:** The children are free to go back and play if they are not playing for their team. If the issue is about opportunity and getting chances to play, the position is that they are able to go back and play recreational football. If they wish to move to another professional academy, the process is very similar to that in every other country in Europe: compensation is paid between clubs for the training that has been provided in the formative years of the child's development. There is a mechanism to compensate clubs for giving free coaching and training to potential footballers. If such footballers were not with a professional club, they would typically pay for that training in the youth or community sector. It is a compensation mechanism, not a contract.

**Clare Haughey:** Mr Regan, you are talking about children as a commodity.

**Stewart Regan:** I disagree. What we are talking about is a pathway to develop elite players, which works in every other country across Europe. There is a process to ensure that clubs that are investing a lot of time, energy and resource in developing elite players have a suitable compensation mechanism. We have a duty to develop elite players if we want to be successful on the international stage. The process is clear and transparent. Parents are aware of it and the clubs have all signed up to it. We have been talking to the children's commissioner about that mechanism for a number of years.

There is a misunderstanding about the difference between registration and contract. There is not a contract; there is a registration scheme. There is a compensation mechanism for any player who moves between academies. There is a release clause that we put in place having had discussions with the Public Petitions Committee, and the point was also raised at the previous meeting of this committee. The 28-day release clause has been put in as a way of giving children further opportunities to go and play football if they feel that they have been frozen out.

**Clare Haughey:** With all that you have said today, do you still not accept that there is a power imbalance between a professional club and a child?

**Stewart Regan:** No. There is a process in place.

**Clare Haughey:** I am not asking about a process. I am asking about a power imbalance. Power imbalances can lead to abuse. I am not

alluding to sexual or physical abuse but to potential abuse of a child.

**Stewart Regan:** By using phrases such as “power imbalance”, you are implying that the clubs are somehow abusing the position that they find themselves in.

**Clare Haughey:** No, I am not.

**Stewart Regan:** Well, you have used the word “abuse”.

**Clare Haughey:** I said that I was not alleging that. What I asked was whether you accept that there is a power imbalance between a large professional football club and a child.

**Stewart Regan:** No, I do not accept that. I believe that there is a process in place.

**The Convener:** We understand that there is disagreement. That is on the record.

**Brian Whittle:** From a coaching perspective, when a child starts to work with a coach there is an imbalance and there has to be one. It is a different form of relationship. In most coach-child relationships, there is an easy mechanism whereby a child who is not happy with the situation can leave and move on to another coach. My concern is that, as soon as a contract comes into consideration, the imbalance becomes much bigger than would naturally be expected in a coach-athlete relationship. Do you not accept that contracting or signing some sort of registration form makes the imbalance much greater? I am not alleging anything at all; I am just saying that the situation leaves itself open to certain kinds of abuse.

**Stewart Regan:** I accept that there is a relationship in which the club has the ability to make decisions for the benefit of the club. The club considers all the training that it has provided to that player during the pathway and, over the three-year period, whether to offer that player a professional contract. All that is outlined at the beginning of the process. If a player is not offered a contract, he is released. What I do not accept is that the club is somehow abusing that situation or bullying the child or putting the child in a difficult position. It is a very transparent process.

**Brian Whittle:** You have answered my question in a roundabout fashion, because, at no point in your answer did you say “benefit of the child”. That is where I am always going to have an issue: in any sport, looking after youth and making sure that they benefit to the extreme is the start and finish. Mr Regan, we have had this discussion before. Again, you never mentioned the welfare of the child in any of your answers.

**Stewart Regan:** With respect, the benefit to the child comes if that child is offered a contract. The

ultimate benefit is a job in football as a professional footballer in the academy.

**Brian Whittle:** No, it is not. The benefit to the child is a positive experience in playing football. What percentage of youth players in your academies get a full-time contract?

**Stewart Regan:** A very small percentage.

**Brian Whittle:** It is 0.7 per cent.

**Stewart Regan:** We all know that there are very few jobs in football but, as we pointed out in our response, the clubs do a huge amount for players. They have wellbeing programmes, lifestyle education, academic education, football education, child protection and parents’ nights. There is a huge number of benefits to the players. If the committee members were to visit any of our performance schools or academies—we have made that offer before—they would see the fantastic work that goes on.

The ultimate benefit of coming through an elite training programme is being awarded a job or a contract at the end of it. Many of the kids who do not get that contract find careers elsewhere using some of the education that they have had. Many go back to playing grass-roots football, which is ultimately also a positive thing.

**The Convener:** Many are also cast aside, heartbroken, and left without support. I have seen that in my community and among my own group of friends.

I am taking the committee’s temperature and I think that what is causing concern is the failure to recognise that football players are a hugely valuable commodity, and that that is the priority for teams that are bringing people through. Everyone is finding it frustrating that the financial worth of an individual who goes through that process and becomes successful is not being recognised.

**Stewart Regan:** When you use words such as “commodity”, you are implying that that is the be-all and end-all of the process. In Scottish football, our clubs put in place a process to develop a pathway to develop our lead players. That pathway is an investment on behalf of the club and that is why, when there is a registration scheme for players between the ages of 15 and 17, which is one of the points that is being raised in the Public Petitions Committee, the club is looking for a period of time during which it can make a decision on that investment. If a player is not playing regular football and wishes to exit the process, he has an opportunity to do so within 28 days. If he wants to move to another academy, that can also happen, as long as the compensation mechanism is fulfilled.

Your use of the word “commodity” implies that it is simply about financial value.

**The Convener:** You have used terms such as “investment” and “compensation”.

**Stewart Regan:** Meaning investment in the child.

**The Convener:** Are they not terms that would normally apply to financial transactions?

**Stewart Regan:** Investment in the child can be time, resources or education. It does not just have to be financial investment. If a club provides a free coach or coaches for many years, that is an investment. Clubs put an investment in that you would not see in the youth sector, where many children pay a monthly fee to be coached.

**Jenny Gilruth:** With regard to the power imbalance, page 6 of your submission alludes to training in wellbeing, lifestyle education, academic education and the idea that taking part in sport can impact on a child’s academic performance, which was certainly my experience when I was a teacher. However, all those things focus on the child and not necessarily on the behaviour of a coach. Has the SFA had any discussions with the SYFA and Disclosure Scotland about putting together some sort of child protection training package in which you all work together and deliver it to all coaches? There seems to be a systemic lack of understanding about getting it right for every child, child wellbeing and protecting children in sport. Do you agree that that needs to be looked at?

**Stewart Regan:** I will address coach education separately from the PVG process that we were talking about.

Child protection is part of the SFA’s coach education programme. In addition, we have engaged in the positive coaching Scotland programme that is run by the Winning Scotland Foundation. It is now embedded into all our coaching programmes. The Scottish Youth Football Association has also engaged with the positive coaching Scotland programme. We are trying to focus not only on child protection, which is clearly important, but on behaviour and attitude. That is an intrinsic part of the programme that is in place.

**Jenny Gilruth:** Do you accept that the PVG application process is not just about filling in a form? At the start of today’s meeting, Mr McCrimmond talked about PVG nights which, to all intents and purposes, sounded like people sitting in a room being taught how to fill in a form. However, the PVG process is about much more than that; it is about child protection and getting it right for every child. The two things go hand in hand.

**Stewart Regan:** You are absolutely right. However, the process has to start with an

application, which involves an appropriate signatory filling in the appropriate form and getting the information into the system. Once the application is approved, there is mandatory online training that we have put in place, along with the SYFA. Everybody has to go through that training in order to comply with the directive that we have agreed.

**Andrew McKinlay (Scottish Football Association):** I would like to add a specific point to that. On page 7 of our submission, we say:

“In September 2016, the Scottish FA appointed a Children’s Rights and Wellbeing Officer (over and above our Child Wellbeing and Protection Manager) to assist in advancing developments of education for coaches and referees”—

that addresses your point—

“making children’s rights and wellbeing essential elements for people coming into these roles.”

We see children’s rights and wellbeing as being extremely important.

**Jenny Gilruth:** To what extent does that officer work directly with your clubs?

**Andrew McKinlay:** That person works within the Scottish FA, so they work with our members, who include our clubs and groups such as the SYFA, to help them to embed the developments in their members’ practices.

**Jenny Gilruth:** Do you measure the extent to which they are embedded? How do you gather information about whether that person is having an impact?

**Andrew McKinlay:** That work is on-going, as the approach started only in September 2016. However, I suggest that the approach represents a good step forward.

**Tom Arthur (Renfrewshire South) (SNP):** I want to ask about the issue of football agents, which is addressed in section 6 of both submissions. I am particularly interested in any legislative impediments to the PVG checking of agents. The SFA response says:

“The Scottish FA is fully supportive of any changes to the appropriate legislation which would bring intermediaries (agents) within the scope of the PVG legislation”.

However, the SYFA response says:

“The SYFA notes the content and response and has no further comment.”

Would the SYFA like to clarify what its position is?

**John McCrimmond:** The SYFA does not deal with agents. We have no interaction with agents.

**Tom Arthur:** Or any intermediaries?

**John McCrimmond:** The association has no interaction in that regard with anyone who holds

that type of agreement. That is why we said that we note the comments. It is not something that we thought that we would be able to answer questions on.

**Tom Arthur:** Okay; it was just a point of clarification.

**The Convener:** This is anecdotal evidence, but I and other committee members have received communications from former officials in youth football who have raised concerns around child protection, the PVG process and other issues in the running and governance of the SYFA and have been subject to disciplinary procedures for making those complaints. What do you have to say about that?

**Stewart Regan:** I will speak about that, and I am sure that Mr McCrimmond will add to what I say.

The two individuals who you refer to—

**The Convener:** No, no—

**Stewart Regan:** Well, we are aware of two individuals who have come to the Scottish FA and have each raised concerns about the way in which their membership of the SYFA was handled and the way in which their club was handled in the league that it plays in. Andrew McKinlay and I have met the individuals and have brokered meetings with the SYFA—

**The Convener:** You met two individuals.

**Stewart Regan:** Yes. We met those individuals and the SYFA and have put in place a series of constructive steps to try to address those concerns. We are confident that those challenges will be dealt with in the coming weeks.

**The Convener:** If someone who finds themselves in that position contacts us, what is the procedure for them to try to address that issue?

**Stewart Regan:** In the first instance, the individuals would go to the SYFA. It is fair to say that Mr McCrimmond and his new board have been proactive in addressing concerns that have been raised with the previous regime. We are aware of that happening on several occasions and we are aware of two outstanding issues. There is a meeting planned for next week to try to deal with those.

**The Convener:** That is helpful. If we have further communication with any of those individuals, should we, in the first instance, refer them to you, Mr Regan, or to Mr McCrimmond?

**Stewart Regan:** I am happy for them to be referred to me, and we will put them in touch with the relevant people at the Youth FA.

11:00

**The Convener:** How will any recommendations that are made as part of the SFA's review that is under way be implemented? Will there be a negotiation between the SFA and the SYFA about whether to accept all the recommendations? How will the process of making sure that the recommendations are implemented be overseen? Who will ensure that that happens?

**Andrew McKinlay:** I would like to check the terminology. Are you referring to the independent review that is chaired by Martin Henry, which will not report until the beginning of next year, or the independent inquiry that Children 1st has carried out, which we refer to in our submission, the interim report from which we have received?

**The Convener:** I am referring to both—I am interested in anything that impacts on the issues that we are discussing today. I want to know who will oversee the acceptance and implementation of all the recommendations that are made to the SFA or the SYFA.

**Andrew McKinlay:** We have shared the interim report that we have received from Children 1st with the SYFA and it fully accepts that.

**The Convener:** Does it accept all the report?

**Andrew McKinlay:** Yes.

**The Convener:** Is the interim report still not in the public domain?

**Andrew McKinlay:** That is correct.

**The Convener:** Will it be put in the public domain?

**Andrew McKinlay:** Yes. Once we get the final report, it will be put in the public domain. We asked whether we could put the interim report in the public domain and we were asked to wait for the final report to be produced. We accepted that. The final report will definitely be put in the public domain.

**The Convener:** Who asked you not to put the interim report in the public domain?

**Andrew McKinlay:** We asked Children 1st whether we could put the interim report in the public domain. Understandably, it said that it would prefer us to wait for the publication of the final report.

**The Convener:** That is fair enough.

**Andrew McKinlay:** I think that we mention in our submission that we will be happy to make the final report available to the committee. We will work with the SYFA to go through it recommendation by recommendation and to check that every recommendation is implemented. In fact, at the end of the process, it is our intention to



ask Children 1st to go back and double-check that that has happened.

**The Convener:** Okay. What about the current governance review?

**Stewart Regan:** Are you referring to Martin Henry's historical child sex abuse review?

**The Convener:** Yes.

**Stewart Regan:** That is under way. We get monthly progress reports, and we expect the chair to provide us with a final report early in 2018. Again, we will be more than happy to share the content of that report with the committee.

**The Convener:** Thank you very much for your evidence. On some issues, we have found this morning's session much more productive than previous sessions; on other issues, I am sure that the committee will have concerns.

11:02

*Meeting suspended.*

11:06

*On resuming—*

**The Convener:** I welcome from Disclosure Scotland Lorna Gibbs, chief executive, and Gerard Hart, director of protection services and policy. We will move to questions and begin with Colin Smyth.

**Colin Smyth:** Good morning to the panel. I will begin with a question that I asked the previous panel about the BBC investigation that reported in June that there was a big discrepancy between the records that Disclosure Scotland held and the records that the SYFA held in relation to notifications that a person was under consideration for listing. Has the discrepancy been resolved and are you satisfied that the information that the SYFA holds is correct? Did the discrepancy relate to record keeping? Was there any indication at all that action had not been taken at the time?

**Lorna Gibbs (Disclosure Scotland):** I am happy to deal with that. When the discrepancy came to light, we had an immediate meeting with colleagues from the SYFA where we talked through the approaches that they had taken and what they were doing. One of my colleagues then spent a considerable time in the SYFA's office comparing our list with its list and checking that the SYFA could identify the 116 people who we had given it notification of. I am confident that our 116 figure is correct and that the SYFA has been able to identify all the people in its system. I am confident that we are now in a position where the figures are accurate.

**Colin Smyth:** Are you satisfied that any changes that have taken place in the SYFA mean that we will not have a repeat of such a discrepancy in the future?

**Lorna Gibbs:** I understand that the SYFA is on a journey with its IT system, which certainly seems to be what caused the problems. The SYFA's IT system is for it to implement, but it has proactively invited some of my colleagues in the customer engagement team to see how it plans to operate the new system and to talk through its new guidance and make sure that we are content. The SYFA is on a journey to a better place and we will continue to have conversations with it to make sure that we give it the help and support that we can to make sure that its figures are in a better position.

**Colin Smyth:** Do many other sporting bodies and organisations get the same level of support as you are providing to the SYFA or does it have to have additional support? Is one of the compliance checks that you carry out intended to ensure that organisations have records of notifications from Disclosure Scotland that a person is under consideration for listing?

**Lorna Gibbs:** We offer a number of organisations advice and support. In recent months, the bulk of our time has been spent on the SYFA, but we have also provided support and advice to bodies such as the Scottish Rugby Union, and we provide regular briefing and help sessions for regulatory bodies and bodies that are counter-signatories. We have a series of events in which people come together and get advice from my team on how the process works and particularly on what their responsibilities are, and that programme has been going on for some time.

Moreover, on our compliance visits, we look at a range of things, including whether the organisation understands and is aware of its full responsibilities and how they are being implemented. We help as many organisations as we can, but there are constraints on our capacity, as with any Government organisation. Although the SYFA has been making up the bulk of our activity, we have been carrying on with the broader range of support that we provide to other organisations that might need such help.

**Colin Smyth:** In the support that you are providing to different organisations, do any themes or concerns stand out that you feel should be tackled in the review of the PVG system?

**Gerard Hart (Disclosure Scotland):** I point out for information that, in the past 18 months, we have visited 323 registered bodies to give them information about the PVG scheme and its operation and have held 46 workshops with organisations that deal with children and young

people. One of the themes that have emerged is the degree of awareness among the public and organisations of how the barring system and the PVG scheme in general work.

There is a need to raise public and organisational awareness of the PVG scheme, what it stands for and whether it is about carrying out a simple check or—as we believe—about much more than that. We believe that it is about an on-going relationship between a person, the organisation that they work for and Disclosure Scotland, which will monitor and check that person over time. We want to really think through those issues in the PVG review and ensure that, when we emerge from the review, what is left is a scheme that is much more publicly synonymous with safeguarding in a more longitudinal sense instead of simply getting a piece of paper on applying for a disclosure.

**The Convener:** How many organisations do you deal with?

**Gerard Hart:** Thousands.

**The Convener:** Is the figure 2,000, 10,000 or 50,000?

**Gerard Hart:** It is less than 10,000. As I said, we have visited 323 registered bodies over the past 18 months, but there are fewer bodies than there are individuals applying for disclosures. There are probably fewer than 1,000 such umbrella bodies or clubs in total, but we have many tens of thousands of customers. I am sorry, but I do not have those numbers immediately to hand.

**The Convener:** That is okay—perhaps you can provide them to us.

**Gerard Hart:** Yes.

**The Convener:** Is the SYFA one of the largest such organisations by volume?

**Gerard Hart:** I think that it is the largest sports club by volume.

**The Convener:** In your view, is it credible for that organisation—the largest by volume in Scotland—to run such a weighty system on the back of volunteers and good will?

**Lorna Gibbs:** We are increasingly working with the SYFA to get it to understand its responsibilities, and we have certainly made a lot of progress—

**The Convener:** That is not what I asked you about. In your opinion—you are allowed to give it—is it credible for the SYFA to run such a weighty system on the basis of volunteers and good will?

**Lorna Gibbs:** As a civil servant, I am not sure that I am comfortable with giving my opinion. *[Laughter.]* There need to be checks and balances. At the previous meeting that the ministers attended, they spoke very much about the value that we place on volunteers, and we would certainly not want to do anything to restrict people's ability to help in their communities.

A balance will always need to be struck between allowing people to volunteer for a short time when their child is at a particular age and having a structure that sits alongside that activity to ensure that people have a sense of their wider responsibilities. There will always need to be checks and balances and a mix of people who are there to volunteer and people who are there for a more sustained period and who therefore need more in-depth training about their individual responsibilities.

**The Convener:** Does the SYFA send more disclosure checks to you than, say, Glasgow City Council?

11:15

**Lorna Gibbs:** I would need to double check the numbers; I do not have them to hand. The SYFA sends the largest amount among sporting bodies. I am not sure whether it is the largest single customer across everything that Disclosure Scotland does, but we can find out for you who the biggest customers are.

**Gerard Hart:** Large public sector organisations make up the majority of the PVG scheme—that concerns teachers, social workers, nurses and the like. The sector in which the SYFA works is in what we refer to as the free-check area, where people who volunteer to work with children receive a fee waiver for the checks, and the SYFA makes up a large volume of that segment. However, the PVG scheme is 1.1 million strong—there are thousands of coaches in youth football, but they are a drop in the ocean compared with the large number of people in the PVG scheme.

In that volunteer context, the safeguarding issue is that the interfaces between the club and the outside agencies that are responsible for child protection have to be really well developed. There needs to be good child protection training and good adherence to GIRFEC and the ideas about child development. A good interface with Disclosure Scotland is needed on the checking and barring element.

It is feasible to have a large volunteer organisation that has the carefully designed interfaces that allow statutory systems to step in whenever there is a problem and which allow problems to become apparent much more readily than perhaps was the case at the end of 2016,

when the backlog became apparent. There is a rationale behind that, but the safeguards must also be in place.

**Brian Whittle:** It is fair to say that the vast majority of coaches are volunteers and that the system would collapse without their input. I will briefly go through my recent experience of taking on a young 16-year-old T20 Paralympic athlete. Within about three seconds of my taking that athlete on, the child protection officer arrived and said, "I want to see your licence and your PVG check." I consider that good practice—that is the way the process should happen—but it is fairly obvious that that is not happening in football. Do you feel that a cultural issue is getting in the way of child protection, in that the governing bodies are more involved in protecting the clubs' rights than in protecting the children's rights?

**Lorna Gibbs:** You are taking us into areas that are outwith Disclosure Scotland's remit and responsibility. We have a particular remit in relation to the PVG scheme and how it operates. I would not be comfortable with answering questions about issues such as power imbalances and how coaches work, because that is too far away from what we do.

**Brian Whittle:** Surely you accept that the investigations that this committee and other committees have done suggest that it has come to light that, in the past few years, many coaches have not been PVG checked. The situation is not the same across the majority of sports—football is playing catch-up with many other sports. Is there a cultural issue that we need to deal with?

**Gerard Hart:** The issues that were identified around the SYFA backlog were not so much that the SYFA did not think that it was right that those people should be checked—it clearly had a policy that such people should be checked—but that the SYFA was not processing and sending the checks through with the required speed to uphold the scheme's safeguarding outcomes. The backlog was due to an administrative inefficiency. That is a different question from whether there is an appetite to carry out checks per se. There is an appetite in the SYFA to carry out checks and it is hoped that that will continue and be strengthened.

Disclosure Scotland works with a range of Government organisations on the GIRFEC agenda and purpose. We see ourselves as part of a constellation of services around young people that are striving for the inclusive outcomes, of which safeguarding and protection are a very important part. We do not see ourselves in isolation from those protective systems—for example, we are involved in a range of policy areas across the Government that are about child welfare and development.

On the particular matter of the SYFA, we understand that there was no principled objection to checking people; there was simply a serious problem in how the SYFA had chosen to go about doing it, which caused the major backlog.

**Brian Whittle:** Are PVG checks historical? When someone applies for a PVG check, are you looking at whether anything in their history would prevent them from working with children?

**Gerard Hart:** Not entirely. There are three aspects to the PVG scheme. The first is the check that you referred to, where we look at a person's criminal record and, if there is anything there, represent that on the disclosure.

The second aspect is that the chief constable is given the opportunity to put on to the disclosure any information that they think is pertinent to a person working with a group of children or vulnerable adults.

The third aspect is the prospective part. A person who enters into the disclosure process also signs up to on-going monitoring. We upload 93 million records every month to match against our scheme membership and see whether new information has come up. To answer Mr McKee's earlier point, if new information comes up on a person's scheme record that is of sufficient seriousness for us to act, we will write to the organisations that that person works for and tell them that the person is under consideration for barring. That is how that process works—it involves active monitoring.

**Brian Whittle:** I think that the point—

**The Convener:** This is your final question—be quick.

**Brian Whittle:** I accept what Gerard Hart says but, after the PVG process, surely there should be child welfare and child protection training.

**Gerard Hart:** In the workshops that we run and in our visits to the registered bodies, our customer engagement team talks constantly about the purpose of the PVG—why it exists—and not just its mechanics, so that organisations are clear about that. We talk about the duty to refer, for example. If somebody is sacked from working with children or protected adults on one of the grounds of referral in the Protection of Vulnerable Groups (Scotland) Act 2007, they must be referred to us. We deal with that qualitative aspect of the scheme's purpose and not just the mechanics of it.

In the on-going PVG review, we are laser focusing on finding the right messages and branding for the PVG in the future to capture why the scheme exists and the fact that its role is much more significant than that of a perfunctory step on the way to a job or volunteering opportunity.

**Maree Todd:** I will pick up on the issue that Ivan McKee pursued, with specific reference to the SYFA. Are you comfortable that the SYFA acted appropriately when you informed it about people who could be listed and that there was simply an IT glitch when it came to pulling the data out?

**Lorna Gibbs:** We are, as far as we can be. As I said, we sat down with the SYFA and ensured that it could identify all those individuals. The responsibility to take action is very much on the SYFA. In the past few months of working closely with it, we have come across nothing that suggests that there is a problem with that. As Gerard Hart said, it looks as if there was an administrative problem. The SYFA has been taking action; because of its IT systems, it had been unable to identify the individuals.

**Maree Todd:** Thank you. I want to ask about two more things. First, it has come to light that the SYFA asks for birth certification as part of the identification process. Organisations that I have volunteered with ask for other types of ID—not the standard ID that is required for a PVG check. Is that very common? I can see an obvious problem with that. For example, when I was volunteering I went along to an evening to get checked, but did not, because I had used what was on the PVG website, have the ID that the organisation wanted. Would it be useful to standardise required ID as part of your PVG review?

**Gerard Hart:** We are investing a lot of time and effort in that. We are moving to a digital platform in which there will be a new, much easier and more straightforward way to verify ID, such as there is for online banking and the other electronic commercial activities that we are all now really used to.

You are absolutely right to say that there is confusion around ID verification. There is a good reason for that—it is about ensuring that the person is matched with the right records. Nevertheless, there is too much variation, so we are going to fix that in the PVG review.

**Maree Todd:** The other thing that I want to ask about that keeps on coming up and was raised by a former chair of the SYFA is people being PVG checked for multiple organisations. I have been in the situation in which I had been PVG checked for my job, but also had to be checked for a number of organisations for which I volunteered. Are we moving towards a single PVG check and everyone being able to access the register?

**Lorna Gibbs:** That is one of the things that we are looking at. As part of the wider PVG review, and in thinking about how the organisation should operate in the future, we are exploring a number of options for making it easier for the individual to access their records without endangering

safeguarding. We are still considering exactly how we will do that; we are aware of the current challenges in having to provide several scheme records to different organisations. We are balancing the protection angle, so that we do not miss anything, with ensuring that the process is as streamlined as it can be for the individual. There will always be a balance to be struck, but we are looking at how we can improve the process.

**Maree Todd:** The doers in a community generally do plenty—they are often involved with more than one organisation.

**Gerard Hart:** In applying for a disclosure, an organisation puts its name against a person and, if we come across new information about that person's conduct, we will know that they are working for the Scout Association, the Boys Brigade or whatever, and we can write to that organisation. The application registers an organisation's interest, which is why it is important. However, in the future, we will need to find new ways to achieve that outcome—

**Maree Todd:** Is that so that multiple groups can be listed, although there will be a single register.

**Gerard Hart:** Yes.

**Alison Johnstone:** I would like a bit of clarity about when Disclosure Scotland became involved—when it became apparent that the SYFA was experiencing difficulty. The committee has heard that offers were made to assist the SYFA but those offers were declined. What alerts you to the fact that an organisation is not on top of things?

**Gerard Hart:** We have a customer engagement team. We also monitor, anticipate and profile our application volumes so that we know from past behaviour that in a given month we will get a certain number of applications from certain quarters. From putting that information together with our customer engagement team's intelligence from the tendrils that it has out there, we became aware of the SYFA issue of a potential backlog: I think that the matter came up through Volunteer Scotland. I wrote to the SYFA in November or December, asking whether it had a problem and offering some assistance. I gave more detailed accounts of that at committee previously, but I cannot remember the detail now—it is a bit foggy. I wrote to the SYFA several times, offering assistance that was not taken up by Mr Little, its previous chief executive. There followed a process whereby the committee got involved and we had various discussions with the SYFA, after which help was given to it.

We became aware of the issue through our customer engagement team and through monitoring our application volumes. There is a lot of contact between Disclosure Scotland and organisations,

as well as with Volunteer Scotland and other umbrella bodies. We have good intelligence coming in that way.

**Alison Johnstone:** When your offer of assistance was declined, were you surprised or concerned? Did you do anything with that information at that point?

**Gerard Hart:** Yes. I escalated the matter and offered—assertively, several times—to support the SYFA. We also liaised with Volunteer Scotland. The matter quickly came to the committee. As civil servants, we made the Government more generally aware of the issue and escalated it within the Government, as well. There was a very active response from Disclosure Scotland, as there would be in any situation in which we perceive such a child protection problem.

**Alison Johnstone:** The committee has been made aware, through correspondence from previous officials, of a system that seems to work: the “PVG evening” system. I have a picture in my head of a little hut or changing room in which forms are being filled in. Is there a model of best practice that you would like to see in place? Do you make sure that organisations understand the expectations on them?

11:30

**Lorna Gibbs:** We have been doing increasing work on that. We have been working with the SYFA and other bodies and we are considering an online training package. We get around as many organisations as we can, but we recognise that we cannot get around everybody, so we have been working with colleagues in Volunteer Scotland to examine how we can make something more readily available to people. We have that in train at the moment.

**Alison Johnstone:** What is happening now between Disclosure Scotland and the SYFA and the SFA that was not happening before?

**Lorna Gibbs:** There is collaboration and we are speaking to each other. The SYFA is accepting help. As Gerard Hart said, we have been trying to get in and help the SYFA for some time; it is now actively engaging with that help. It has therefore been easy for us and our colleagues in Volunteer Scotland to set up additional meetings. We had 13 training sessions around the country between the end of April and the start of the summer holidays, and we have another two going on today. The change is, therefore, in respect of willingness in the SYFA and others to let us in and let us help. It seems to me that that is what has made the difference.

**Alison Johnstone:** Thank you.

**The Convener:** If you have concerns about an organisation and you raise those concerns with that organisation but do not receive a response, or a satisfactory response, what happens next?

**Lorna Gibbs:** We do not have powers to go in and force people to act on our recommendations. If there are major issues around child protection, there are a number of formal mechanisms to deal with them. Gerard Hart can talk the committee through those. Mostly, we offer help, try to get people to listen and explain why what we do is important. Gerard Hart can also talk more about child protection concerns.

**Gerard Hart:** When there are particular child protection concerns, we immediately escalate them through all the relevant channels.

**The Convener:** What are those channels?

**Gerard Hart:** If there was an immediate child protection concern, the channel might be the police. We do not hesitate to do that: when we detect barred people trying to work with children or vulnerable adults, we report them to the police immediately. We take that very seriously.

**The Convener:** If there was an indication that bad person A was trying to work with children, of course you would phone the police, but when you are faced with a systematic breakdown in an organisation and you have tried to deal with that organisation but it is not playing ball, how do you escalate that?

**Gerard Hart:** Our powers to audit an organisation under our codes and the legislation relate mainly to how disclosure law is complied with. As Lorna Gibbs said, we have very few powers around the softer and more qualitative aspects of performance, but we would not abdicate responsibility in that situation. As we did with the SYFA, we would use our customer engagement team to lean in to that organisation and try to get as much intelligence as possible about what is going on.

We have really good relationships with the umbrella bodies. Volunteer Scotland is one of them, but there are many other bodies that represent smaller entities that use those bodies to countersign on disclosures. The umbrella bodies have a power relationship with those organisations; we can use those levers to try to influence what is going on.

There are also parallel parts of the Government that have an interest in that activity. For example, Active Scotland and sportscotland have an interest in respect of the SYFA. Because we are part of the Government, we can link up with them. We linked up with sportscotland and Active Scotland about the SYFA.

It is about being switched on and keeping our heads up to see the bigger picture, as well as being about the powers that we might, or might not, have. We would certainly always be assertive about leaning in to organisations in such situations, and we would never knowingly allow a situation in which a safeguard risk could build up to persist without our continually escalating it until we were satisfied that it was being dealt with.

**The Convener:** Is this one of the most stark cases or have there been much worse cases?

**Gerard Hart:** I would not say that there have been worse cases. The backlog in this case was not immediately apparent because there was a part that was not visible. The magnitude of the backlog, when it became apparent, was shocking to us. We felt that it was a real problem because there was a risk that young people could be exposed to coaches who had not been checked. On that basis, we took urgent action.

We have just been through four years of bringing the Scottish workforce into the PVG scheme, and some of that was for people who were already in jobs and had had enhanced disclosure checks.

**The Convener:** What do you mean by “the Scottish workforce”?

**Gerard Hart:** When PVG went live in 2011, there was a period within which we had to bring into the scheme large numbers of public sector workers.

**Lorna Gibbs:** We had to do retrospective checks.

**Gerard Hart:** We did that in phases. During that period, some organisations did better than others at getting people on board, but we managed the process and concluded it. Backlogs are not entirely unprecedented. However, the fact that this was in the context of a rather hidden situation in the very sensitive area of youth football coaching was a real concern to us.

**The Convener:** Lorna Gibbs mentioned the Scottish Rugby Union. Is the SRU working with you because it came to you for assistance, or were similar issues—a backlog or systemic problems—flagged up with it?

**Lorna Gibbs:** My understanding is that the SRU came to us for assistance. Ministers had a meeting, at about the time when we were last at committee, with a number of bodies that oversee sports. I think that our conversations with the SRU came out of that meeting.

**The Convener:** Was it the case that it was seeking assistance to get its systems up to scratch?

**Gerard Hart:** Yes.

Following the issues, Disclosure Scotland did a series of roadshows with the SYFA. They focused not just on PVG checking but on training on safeguarding, with which we tried to up the ante. Our ambition is to do roadshows with a wider range of sports organisations. We have some agreement around the table that we can take that role, so we are looking to roll out the roadshows in partnership with sportscotland and other organisations, and to offer them to other sport bodies.

**The Convener:** I want to be clear—I do not want the SRU to be tarred by something that it has not done—are you saying that your involvement with the SRU is not about protection issues within rugby?

**Gerard Hart:** Our involvement with the SRU is about development.

**The Convener:** Thank you. That is helpful. What is your involvement in the on-going PVG review, when it will report and how is it going?

**Lorna Gibbs:** The review is being led by Disclosure Scotland—in particular by Gerard Hart and his team. There is in place a series of steps that he will talk you through. The review is basically owned by our organisation, and we will bring recommendations to ministers for future actions.

**Gerard Hart:** The PVG review has been going on since the end of last year. Mr Swinney announced it in Parliament following an inspired question, and then announced it at a conference on 21 November 2016, at which he spoke.

The first phase was to set up the terms of reference, which were published in February. They set out a fairly wide variance for the review. It looks at a wide range of fundamental aspects of the PVG scheme, including whether it should be fully or partially mandated, the nature of regulated work, and the scheme’s financial arrangements and how it will sustain itself in the future. It is very wide-ranging policy review.

We have held a large number of events that have targeted a large number of organisations over the past few months. That will lead to a formal consultation being published in the late autumn or in December to January. After that a bill will be produced—probably towards the end of December 2018. That is the plan for the review.

The review is going very well. We have had enormous engagement from a range of organisations, including major charities that are concerned with child protection and welfare, employers, and organisations that represent people who have convictions. The full gamut of interested parties have engaged with the review, so we are hopeful that it will be a useful exercise.

**Lorna Gibbs:** There has certainly been a lot of support for the PVG scheme. People have different ideas about how it could be improved or whether it should be mandatory, but the principle that there should be a way of checking people who work with children and vulnerable adults has definitely been accepted across the piece.

**The Convener:** Are you considering having a mandatory scheme?

**Lorna Gibbs:** That is one of the areas that we are looking at, but we are a long way from reaching a decision. No single view is being expressed in the consultation that we have carried out; some people think that the scheme should be mandatory, while others feel that it should be mandatory in some areas. It is, though, something that we will definitely look at.

**The Convener:** Will you also consider the provisional membership issue?

**Gerard Hart:** Are you talking about the SYFA's behaviour in that respect?

**The Convener:** Yes.

**Gerard Hart:** Provisional membership is not in the PVG scheme. That is something that the SYFA did.

**The Convener:** Did you not provide guidance or comment on that?

**Gerard Hart:** Because the scheme is not mandatory, it is impossible for us to tell an organisation that it must carry out a check before a person is allowed to work with children or vulnerable adults. Still, our advice would be—

**The Convener:** You have probably just answered the question that we have all been thinking of.

**Gerard Hart:** Our advice would be that a check should be done, especially where regulated work is being undertaken. The review will look fully at the issue; indeed, the question whether the scheme should be mandatory—and the degree to which it should be mandatory—is front and centre in our thinking in this review.

**The Convener:** Thank you. Does anyone have a final question?

**Miles Briggs:** I welcome the witnesses to the meeting. During the previous evidence session, I asked John McCrimmond when he thinks the system will be watertight. He said, “when we get there.” Given your expertise, and from looking at other such organisations, when, do you think, will the SYFA “get there”?

**Lorna Gibbs:** There is nothing to make me think that the SYFA cannot deliver on the timescale that it is working to. It needs to carry on

working with us and other bodies to ensure that it looks at the full picture and that, as has been said, child protection is put front and centre. Certainly, the relationship between Disclosure Scotland and the SYFA feels appreciably different to how it felt the last time we appeared before the committee, and that in itself gives us hope that we will get to a much better position and ensure that the organisation is providing the safeguarding checks that it should be providing.

**The Convener:** The final issue is agents. Should they be covered?

**Lorna Gibbs:** That depends on the work that an agent does. One of the issues with regulated work is that one job title can mean a range of different things. If such an individual is actively supervising children without other people being there, the answer is yes, but different agents do things in different ways and it is hard to make such things absolutely clear in a job title. However, with regard to people who have unsupervised access to children, whatever they might be doing, the answer to your question is yes.

**The Convener:** Are you considering that aspect?

**Gerard Hart:** Definitely. One of the policy options that we have discussed with people who have come along to our events is that we should make part of the scheme mandatory, thereby allowing certain roles to be specified under it, regardless of the situation. Whether that would include football agents would emerge from the review, but it might be one of the outcomes if we create a mechanism for such a scheme. Right now, however, agents could be covered.

It is also important to make it clear to the committee that any one of us can join the PVG scheme under our own steam. The difference is that those who do not have an employer offering them regulated work get a statement of scheme membership that makes it clear that they are in the PVG scheme. It also says whether they are under consideration for barring, although it does not give any information on criminal history. If students, for example, want to offer PVG scheme membership on their CVs, they can join the scheme. Being employed or having a countersigning employer to generate a disclosure is not the only way of becoming a member of the PVG scheme. Once you become a member, you can become subject to on-going monitoring. If they wanted to, football agents could, like any of us, join the PVG scheme.

**The Convener:** Thank you very much for your evidence. We now move into private session.

11:43

*Meeting continued in private until 12:07.*





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