Introduction

We welcome the opportunity to give evidence to the Health and Sport Committee on child protection in sport. We have been very concerned by the allegations which have come to light about non-recent sexual abuse in football. While undoubtedly progress has been made in child protection processes, we feel there is more to do to build a culture in football and across sport which truly has children’s wellbeing at its heart and in which everyone is fully aware of their responsibilities to keep children safe.

About NSPCC Scotland

We’re leading the fight against child abuse in the UK and Channel Islands. We help children who’ve been abused to rebuild their lives, we protect children at risk, and we find the best ways of preventing child abuse from ever happening.

We are working with partners to introduce new child protection services to help some of the most vulnerable and at-risk children in Scotland. We are testing the very best intervention models from around the world, alongside our universal services such as Childline, NSPCC Helpline and our Speak out. Stay safe schools service. Based on the learning from all our services we seek to achieve cultural, social and political change to improve the lives of children in Scotland.

Abuse ruins childhood, but it can be prevented. That's why we're here. That's what drives all our work, and that's why - as long as there’s abuse - we will fight for every childhood.

NSPCC submission

Q1. Does the current situation regarding a number of former football players speaking publically about allegations of historical child sexual abuse in football have any impact on your area?

In late 2016, following the emergence of allegations of non-recent sexual abuse in football, the NSPCC set up a dedicated Helpline to support victims to come forward.

Police Scotland has established a major investigation to coordinate its response to allegations and a notification process has been agreed whereby all referrals from our Helpline relating to Scotland are routed to a Single Point of Coordination within the National Child Abuse Investigation Unit.

Soon after the allegations, NSPCC was also involved in a series of discussions with the Scottish Football Association and the Professional Footballers’
Association (PFA) Scotland to share relevant information in response to the emerging scandal. At a UK level, the NSPCC is also in dialogue with the FA and others to feed in as appropriate to relevant investigations and reviews taking place elsewhere.

More generally, the NSPCC offers a number of services which relate to the allegations of abuse in sport. In England, Wales and Northern Ireland, the NSPCC runs the Child Protection in Sport Unit which provides child protection training, advice and guidance to sports organisations. The equivalent Safeguarding in Sport Unit in Scotland is provided by Children 1st.

In Scotland we also offer general training and consultancy services, and so have provided training and support to sporting organisation in Scotland, including the Scottish Youth Football Association.

We also offer Childline, a confidential helpline which children can access whenever they have a concern. In addition, our Speak out. Stay safe schools programme aims to visit every primary school in Scotland, and the rest of the UK, to educate all primary school children about how to recognise abuse, how to stay safe and how to seek help.

Q2. What assurances can you provide that the current safeguards and culture of sporting organisations ensures that the allegations of historical child sex abuse in football could not happen today in sport?

Most of the allegations which have emerged date back to a time when the current Protection of Vulnerable Groups (PVG) system was not in operation. We have come a long way in ensuring we have sufficient processes in place to ensure that individuals who pose a risk to children are banned from working with them, in sports or other settings.

All children have a right to be safe when they participate in sport. The overwhelming majority of coaches do an excellent job, and work tirelessly with children to make them healthier, more confident and more talented on the playing field.

That said, there is no room for complacency. Good policies need strong and consistent application and it is right that, particularly in light of recent allegations, we take time to reflect upon what more might need to be done to better protect and support our children in sports settings.

Below, we have set out a number of areas where we believe improvements could be made to our legislation, policy and guidance to enhance children’s safety. However, we are clear that none of the below changes are a panacea. In addition to these specific improvements, we need to consider how we can change the culture of sport, and football in particular, to ensure that consideration of children’s wellbeing, and child protection, are firmly everyone’s responsibility.
Furthermore, we would stress that, while recent allegations about sexual abuse may be historic, sexual abuse is not. Many children in Scotland today have or are experiencing sexual abuse\(^1\). This is unacceptable. We need to look seriously at what more we can do to prevent child sexual abuse and how we support children who have experienced it. Later this spring, we will publish research on the availability of therapeutic support for children who have experienced sexual trauma in Scotland.

**Abuse of trust – Sexual Offences (Scotland) Act 2009**

In Scotland, as elsewhere in the UK, any sexual activity involving children under 16 is unlawful. In addition, the Sexual Offences (Scotland) Act 2009 makes it an offence for individuals in specific roles or circumstances – considered as a position of trust – to engage in sexual activity with children under the age of 18.

Currently the definition of ‘positions of trust’ is limited\(^2\). It only provides for a narrow range of statutory occupations and activities, and it is our view that this definition should be widened to cover other roles.

Jobs and voluntary roles such as sports coaches, youth workers, or a Sunday school teacher, for example, are not currently considered under the law to be a ‘position of trust’ despite the fact that a trusting and influential relationship over a young person’s life can be as readily developed from these positions.

To our mind, a position of trust should not be determined by the delivery of statutory occupations or specific settings, but by those who have a special opportunity to develop a trusting and close relationship with young people. Why should potentially vulnerable 16 and 17 year olds have less protection from abuse, by virtue of the setting in which the exploitation by a trusted adult takes place?

We feel there should be a move towards an extension of the legislation to cover roles more broadly. We advocate consideration that we extend the sexual abuse of trust offence to include those undertaking regulated activity with children, as per Schedule 2 of the Protection of Groups (Scotland) Act 2007.

**Protection of Vulnerable Groups (PVG) system**

While most of the allegations which have emerged pre-date the PVG system, the legislation is nevertheless ten years old this year, and the system itself has been operational for five years. Given recent events, we suggest it might be timely to

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\(^1\) For example, there were 4,082 recorded sexual offences against children in 2014/15; NSPCC (2016) *How safe are our children?* London: NSPCC, p28.

\(^2\) Positions of trust’ are limited to largely formal settings, including institutions, looked after settings; hospitals; care homes; and education settings. See s43 of the 2009 Act for the full list.
undertake post-legislative scrutiny to ascertain how the system is operating in practice, and whether there are any gaps or loopholes which need to be addressed.

Certainly, we are aware of some organisations not obtaining a PVG for individuals who will be supervised and so not left alone with children, despite these individuals having a role in teaching, instructing and training children (as per the 2007 Act). There appears to be a lack of clarity around when PVG checks are required.

Similarly, with reference to football, and perhaps other elite sports – there appears to be no requirement for talent scouts or intermediaries to be part of the PVG system, despite them being in contact with children and young people, and potentially having significant influence over them. We are aware that some football clubs have been proactive in amending job descriptions to allow for PVG checks for people undertaking such roles, but this is a gap which has not been addressed systematically.

We recognise that the PVG system has to be manageable and proportionate, and that, even with changes, the PVG system is only part of how we build a strong culture of child protection in sport, but we do feel that there are issues within the system which require fuller consideration.

**Local authority designated officers (LADOs)**

LADOs were introduced in England via the Working Together guidance in 2006\(^3\) and the role has continued to evolve since then\(^4\). Their role is to oversee the management of allegations of abuse by adults working with children, and provide advice and guidance to relevant organisations.

There is no formal equivalent of LADOs in Scotland. National child protection guidance\(^5\) sets out the roles of Chief Officers and Child Protection Committees but there is no corresponding requirement for local authorities to have a resource dedicated to the management of abuse allegations.

Through our work, specifically in providing child protection training to voluntary organisations and community groups, and also having experience of engaging with LADOs in England, we have come to the view that this is a gap in the Scottish system.

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\(^4\) HM Government (2015) *Working together to safeguard children*. London: HM Government, p54. The most recent working together guidance indicated a shift from referring explicitly to Local Authority Designated Officers, to specifying that local authorities should have “designated a particular officer, or team of officers...to be involved in the management and oversight of allegations against people that work with children.”

To illustrate this, an organisation we were working with recently told us an adult volunteer had disclosed that he was under police and social work inquiries regarding an incident with his child. In line with organisational processes the individual was suspended whilst inquiries continued. However, despite contacting the Police and social work, no further information was forthcoming about the case to aid the organisation in its decision making or risk assessments. The onus was on the individual to keep the organisation updated.

Where allegations arise, there is no formal support organisations can access for advice and guidance. A LADO function also results in allegations being externalised; that is communicated outwith the organisation, leading to improved accountability and decision-making.

We believe that there is merit in exploring whether an equivalent function could be introduced in Scotland.

**Conclusion**

We welcome the Committee’s consideration of child protection in sport. As outlined above, while progress has been made, we feel there is more to do to ensure sport and similar settings create a fully safe and supportive environment for children.