



Neil Findlay MSP
Convenor
Health and Sport Committee

By email: Healthandsport@parliament.scot

19 January 2017

Dear Convenor

I am pleased to present written evidence in advance of my attendance before the Health and Sport Committee on 7th February.

My role as Children and Young People's Commissioner Scotland is to promote and safeguard the rights of children and young people in Scotland with particular reference to the United Nations Convention on the Rights of the Child (UNCRC). I am appointed through the Scottish Parliament.

I have been involved in one of the longest running petitions to be considered by the Public Petitions Committee: PE 1319 *Improving youth football in Scotland*, lodged on 11th March 2010. My knowledge and comments in respect of football derive mainly from my involvement in the progress of the petition. Since November 2010, I have given written and oral evidence to the Public Petitions Committee and I am due to give further oral evidence on 9th February 2017. I was requested by the Public Petitions Committee to seek the views of young people involved in youth football and provided a report: *Improving youth football in Scotland 'I would like to have control over my life and do what I want to do'* which was submitted in May 2015.

I would offer the following comments in response to the questions.

Does the current situation regarding a number of former football players speaking publicly about allegations of historic abuse have any impact on your area?

Football is Scotland's national sport. Many children and young people have a love for the game and in some instances, cherish a dream to play professional football. In our research, we found that whilst children were enthusiastic about playing football, especially as part of a professional football club, they did not have any understanding of their rights. The report made a series of recommendations in respect of:

1. Taking account of children's rights
2. Changes to the youth registration process
3. Changes to the process of reimbursing training costs
4. Independent regulation and monitoring of registration process
5. Individual complaint mechanism.

My main concern is the power imbalance and unfair treatment of children involved with professional football clubs. This places the professional football clubs in a very powerful position with children desperate to realise their dreams and as a result, vulnerable to exploitation. In my experience, the system in place gives scant regard to the best interests of the children involved. I have pressed for changes and there has been some positive movement on the part of the SFA and the SPFL. However, there are outstanding matters where the football authorities have proven intransigent which has led me to an overall assessment summed up in my most recent correspondence to the Committee.

'I have given credit to the SFA and SPLF where I think they have made improvements. However, my overall impression is that they have gone as far as they are prepared to go or are able to do so within their governing structures. This is not a matter of 'giving new measures some time to take effect' as suggested by the Scottish Government, but more facing up to the fact that for real change to occur, external regulation has to be imposed on bodies which, to my mind are either unwilling or incapable of taking appropriate action to safeguard the rights of children.'

Letter to Public Petitions Committee, 26th July 2016

I am aware of the appointments of a Wellbeing and Protection Manager and a Children's Rights and Wellbeing Officer within the SFA, which I welcome. I know that the SFA has a Child Wellbeing and Protection policy and guidance document which has recently required compliance in all bodies under the jurisdiction of the SFA. I am not aware of how widespread is the application of the policy and guidance or how familiar or confident young people would be to use any procedures that may be in place. I am encouraged by the speed of response of the SFA to the recent allegations of historic sexual abuse and I also welcome the proposed Independent Review announced by the SFA. I look forward to hearing its findings.

However, I believe there is a limit as to the extent that change can be achieved within the current governance arrangements of the football authorities. It is the combination of power imbalances and vulnerable children I have noted, which some adults associated with professional clubs have exploited to abuse children in the past. As long as these elements remain, so too will the risk of further abuse to children involved at present.

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

In my report on Petition 1319, I noted the need for a change in attitudes in Scottish football:

'Professional youth football in Scotland needs to undergo a significant attitudinal change. The clubs and to some extent the Scottish FA refer to youth players purely in terms of investment and fail to acknowledge the young person in their own right.' (p8)

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

I am not able to give informed comment on situation with other sporting bodies. I am aware that not all sports in Scotland are regulated at a national level. My office has in the past had enquiries from children who have raised concerns (not about abuse), and they have simply been told by their club to leave. When a child knows that if they make a complain they will no longer be able to participate in a sport they love, it is little wonder that many concerns and complaints do not see the light of day.

Abusers seek situations where there are power imbalances, vulnerable children and opportunities for unsupervised access to children. For this reason, all sports bodies should review their procedures to ensure that proper checks are initiated and maintained on those engaged with children and young people. Robust child protection policies and guidance are required in respect of recruitment, practice procedures and ongoing monitoring within sports at grassroots level, backed up through strong, effective governance at national level.

Yours sincerely



Tam Baillie
Children & Young People's Commissioner Scotland