Child Protection Legislation and Volunteering in Scottish Sport
Research Report no. 112

A research study for sportscotland

by

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SUMMARY

Purpose, aim and methods

1. This project reports on the effect of child protection legislation on the numbers of volunteers in sport and the impact on the volunteers’ work. The rationale for it is first, a worry that the Protection of Children (Scotland) Act 2003 has had a detrimental effect on volunteers in sport and second, uncertainty about the effects of the new Protection of Vulnerable Groups (Scotland) Act 2007. A literature review reveals mixed evidence, with some studies suggesting that child protection is a major concern of sports clubs, whilst other studies suggest that it is of less concern to individuals.

2. The Sport Industry Research Centre was commissioned to investigate these issues, so that sportscotland can better advise, support and train Scottish governing bodies of sport (SGBs), clubs and volunteers. sportscotland are concerned to identify how child protection can be incorporated positively into the recruitment process for volunteers working with children and young people.

3. The research methods for this project included surveys of current, disengaged and potential volunteers in sports clubs; telephone interviews with representatives from key agencies in sport and child protection, and a sample of Active Schools Coordinators; and surveys of sports club representatives and Child Protection Officers in sports clubs. It is possible that the sample of clubs and volunteers is biased in favour of those with more active child protection procedures.

Evidence of problems and benefits

4. There is virtually no evidence of volunteers being ruled unsuitable through the process of disclosure checks. Thus the danger of the indiscriminate use of checks and over-cautious responses to criminal records reducing the number of volunteers is minimal. The knowledge that a disclosure check will be required may deter some potential volunteers with a criminal record who would still be suitable volunteers. However, surveys of the general public suggest that the requirement to undertake a disclosure check is not a major barrier for potential volunteers, although it may be for particular groups who find it more difficult to produce the relevant documentation. The requirement to undertake a disclosure check is relatively unimportant as a barrier to volunteering for existing volunteers - much more important are lack of time and the demands of paid work.

5. The research identified that large majorities of clubs and individuals are aware of child protection legislation and support it in principle. Ninety percent of clubs surveyed agree with the need for child protection and are doing their best to implement required procedures. Over 90% of volunteers surveyed say that they are aware of both their child protection responsibilities and what
disclosure checks involve.

6. There is a change of attitudes towards child protection legislation requirements - away from fear of its consequences to a general acceptance that it has to be done and recognition of its value. There is, however, a small minority of people in sport that do not accept that child protection is necessary in the way the legislation requires - given that most child abuse occurs in the home, they think it is 'a sledgehammer to crack a nut'.

7. The research findings include subjective views suggesting a range of benefits which the legislation, including disclosure checks, has provided:
   - raised awareness of the importance of child protection;
   - evidence that child protection is taken seriously in sport, with appropriate policies and procedures;
   - conscious procedures for selecting appropriate volunteers;
   - responsible, designated child protection officers;
   - safeguards for children and young people;
   - peace of mind for parents of young participants;
   - reassurance for volunteers;
   - confidence for clubs that volunteers are suitable for working with children.

8. However, the research subjects also provided details of a number of practical problems:
   - the need for multiple disclosure checks for the same volunteer;
   - lack of information on which offences should prevent volunteering with children, leading to potential inconsistency in decision-making.
   - lack of clarity over the practical implications of the legislation
   - excessive bureaucracy - part of a wider problem than just child protection;
   - time delays in processing disclosure checks;
   - over-reliance on disclosure checks in recruiting volunteers;
   - too much focus on disclosure checks rather than putting in place a more holistic child protection culture;
   - despite tacit support for child protection, many clubs are doing the bare minimum to comply with the law;
   - greater fear of the possible consequences of misunderstandings or false accusations, as a result of greater awareness of child protection issues/legislation.
   - the added burden of time and administration on volunteer child protection officers and volunteer support officers in SGBs.

9. Most of these problems are matters of practical detail, rather than wholesale disagreement with the legislation's purpose. The most commonly voiced complaints are the need for a volunteer to have a different disclosure check for every organisation with which they volunteer, often in addition to their paid job; and the excessive bureaucracy created by child protection. These two
problems are related, because the former adds to the latter.

**New legislation**

10. The new Protection of Vulnerable Groups (Scotland) Act 2007 is widely anticipated to have a successful impact on eliminating the need for multiple disclosures; therefore reducing bureaucracy; and providing systematic updating of the central registers. Some saw value in the proposal to submit all existing volunteers to disclosure checks, something that many sports have not yet done. However, others feared a backlash of resentment from longstanding volunteers. The research evidence does not suggest a large exodus of such volunteers but does identify a minority who object strongly to what they see as a betrayal of trust.

**Good practice guidance**

11. A large majority of volunteers and clubs acknowledged that they had had good advice on child protection. Individual volunteers credited clubs for this guidance, whilst clubs acknowledged SGBs, sportscotland and CHILDREN 1ST for the guidance they had received. However, over half the clubs contacted requested more support, in the form of child protection forums or websites. Furthermore, the research disclosed a number of points of detail about which the respondents needed further guidance.

**Support needs**

12. A concern about both the existing and new legislation is that many detailed practical implications are unclear. These include not just matters of law, such as the exact offences that are relevant to preventing a person from volunteering with children and young people; but also matters of procedure which are not covered by the law, e.g. what to do with potential volunteers whilst their disclosure check is being processed. A recommendation is for clear guidance to be provided at all levels of sports administration and for volunteers.

13. There is a need for lead bodies to actively promote both the purpose and the benefits of legislation for the protection of children and vulnerable groups and to position it positively as part of more comprehensive procedures for the development of volunteers. It is recommended that models of good practice are provided for clubs and SGBs.

14. Sport now operates in a tighter administrative framework than in the past. Whilst this offers the opportunity for new volunteers with different skills to become involved in clubs, there may be the need for existing volunteers to take on an additional administrative child protection role. Thus professional support is recommended, provided through the umbrella organisations for disclosure checks - e.g. SGBs and local sports councils - with an additional role of promoting good practice in volunteer development.
CHAPTER 1: INTRODUCTION

1.1 Introduction and rationale

The Protection of Children (Scotland) Act 2003 imposed requirements on organisations running activities for children, including sports clubs, designed to better protect the welfare of children. It has been suggested that these child protection requirements have had a detrimental effect on attracting, retaining and organising volunteers in sport. There is also a fear that just the increased awareness of child protection issues has had a negative effect on the potential of sport to attract and recruit volunteers. Some evidence on these possible impacts is available from research designed for more general purposes but these effects have not been the specific subject of research - until this project.

sportscotland commissioned the Sport Industry Research Centre to investigate the impacts of child protection legislation on volunteers in sport, so that they can:

- better advise any changes in relevant legislation;
- ensure that the correct support and training is being provided to Scottish governing bodies of sport (SGBs), clubs and volunteers in this area; and
- inform the prioritisation of resources to support SGBs, clubs and volunteers, including to help identify how child protection can be incorporated positively into the recruitment process for volunteers working with children and young people.

1.2 Research aim and objectives

The overall aim of this research is to determine the effect of the child protection agenda on volunteering in sport. The detailed objectives are:

- Explore the impact, both positive and negative, of legislation – specifically the Protection of Children (Scotland) Act 2003 and the forthcoming Protection of Vulnerable Groups (Scotland) Act 2007 – on those volunteering with children and young people (under 18 years) in sport in Scotland.
- Explore the impact, both positive and negative, of CHILDREN 1ST and sportscotland’s recommended good practice, based on the nationally agreed template guidelines, on those volunteering with children and young people in sport in Scotland.
- Determine whether the requirements for disclosure checking are
discouraging potential and existing volunteers from volunteering with children and young people in sport.

- Determine whether any other issues relating to child protection actually stop potential new and existing volunteers from volunteering with children and young people in sport.

1.3 Research methods

The research was first informed by a literature review of child protection issues in sport and current barriers to volunteering. This took into account legislative, advisory, policy and research documents. Primary research methods were then used to obtain the views of a number of relevant organisations and people in Scottish sport - Appendix 3 contains all the research instruments used in this project. The primary research methods comprised:

- Telephone interviews with 14 representatives from the following key agencies: Aberdeenshire Council; Central Registered Body in Scotland; CHILDREN 1ST; Scottish Council for Voluntary Organisations; Scottish Gymnastics; Scottish Sports Association; sportscotland; Volunteer Development Scotland; West Dunbartonshire Council; Volunteer Centre Angus. In addition, an interview was conducted with a university law lecturer who is also an SGB volunteer.

- A survey with response samples of 744 current, 64 disengaged and 169 potential volunteers in sports clubs. This was mainly through an on-line survey, but hard copy questionnaires were available for those who requested them. These respondents are from a wide range of 42 sports but the largest sub-samples are 25% of the total from rugby union and 13% from swimming - see Appendix A3, which provides frequency distributions from the questions asked in the survey. Over half the respondents were parents/guardians of a child/young person who participates at their club or another club. Respondents who are current volunteers have on average two volunteering roles each in their clubs, out of five asked - management/administration, coaching, supervising/leading, officiating, and providing transport. Multi-tasking is the norm.

- An email survey of 52 club representatives covering 15 sports. 40% of these club representatives had the role of Child Protection Officers in their clubs, whilst another 29% were club secretaries. The clubs varied in size from just two adult members to over 700, with a median of 42 adult members; and from no junior members to 700, with a median of 60 junior members.

- An email survey of 15 Child Protection Officers in sports clubs.

- Telephone interviews with 19 Active Schools Coordinators from Aberdeen City Council, Aberdeenshire Council, Midlothian Council and Moray Council.
It is possible that the responding clubs and volunteers are biased towards those with more active child protection procedures. The clubs were selected by SGBs and it may be that those which responded are more active in child protection. A higher proportion of responding volunteers had undertaken a disclosure check than national data shows.

1.4 Report structure

This report will continue in the next chapter with the findings from the literature review. In Chapter 3 we present the primary research findings for the effects of disclosure checks, one of the main elements of the 2003 legislation and arguably the element over which most concern has been expressed. This uses relevant evidence from all the sources researched - the volunteers and members of sports clubs, the club contacts, Child Protection Officers, Active Schools Coordinators, and the key agencies. Chapter 4 looks at the wider effects of the 2003 legislation, using the same sources of information. It examines the benefits which may be attributed to the legislation; the extent of agreement with the legislation's objectives; the use of child protection officers and other child protection measures within clubs; and possible changes in attitudes towards the legislation. Chapter 5 reviews the potential effects of the forthcoming Protection of Vulnerable Groups (Scotland) Act 2007, using the judgements of key agencies, Child Protection Officers and Active Schools Coordinators. It was not anticipated that either club volunteers or club representatives would be much aware of this forthcoming legislation, so they were not asked questions about it. Chapter 6 examines the sources and impacts of good practice child protection guidance on sports clubs. Finally, Chapter 7 concludes by summarising the evidence with respect to the project's objectives and makes recommendations, particularly about the need for clarification and support for sports clubs in respect of child protection.
1.5 Statistical evidence

Please note that when it is stated in subsequent chapters that a sub-sample is "significantly more likely..", "significantly less likely" or a factor is "significantly more important" or "significantly less important", the term "significantly" has a specific meaning. It means that in cross tabulations, the Chi Square test reveals that there are statistically significant differences in the responses of different sub-samples, at the 95% confidence level. A Chi square test is a standard test of differences in survey responses - e.g. testing the differences in the strength of support for child protection legislation between people in different age groups.
CHAPTER 2: LITERATURE REVIEW

2.1 Current legislation

Disclosure Scotland was established under the Police Act 1997 (alongside the Criminal Records Bureau in England and Wales) and was launched in 2002, enabling organisations which had access to vulnerable groups to access the disclosure checks (termed CRB checks in England and Wales) as part of good recruitment practice. The Protection of Children (Scotland) Act 2003 (19) was introduced by the Scottish Executive and aimed to improve the protection for children by ensuring that unsuitable people are prevented from working with these groups. The Act also provided Scottish Ministers with the ability to hold a list of people who are deemed unsuitable to work with children (either in paid employment or in a voluntary capacity). It became an offence for an organisation to knowingly employ a person in a child care position, if that person was disqualified from working in such a role. The Act was intended to complement rather than replace other child protection measures. Disclosure checks are free for voluntary organisations but not for local authorities or other paid staff organisations.

2.2 Relevant research evidence of volunteers

Research for the 2002 Sport England (1) study of sports volunteers included research of current, potential and disengaged volunteers in sport, through an omnibus survey of the general population and a bespoke survey of 'core' club volunteers. The most common reasons given for not volunteering, by the 364 omnibus survey respondents who were potential volunteers, and also the reasons given for stopping volunteering, by 495 disengaged volunteers, largely related to considerations such as the lack of time and the demands of paid employment. For 308 existing volunteers in the core club volunteers' survey, the major issues related to a 'lack of others willing to volunteer', and 'work being left to fewer people'.

However, these main responses in the Sport England research were all prompted in the design of the questionnaires and in neither of the main surveys were child
protection issues specifically prompted. This may explain the lack of recognition of child protection issues in the Sport England results. Nevertheless, 17% of the existing volunteers surveyed (the sixth largest response, again prompted) identified that their 'clubs were asking more of them because of pressures from other organisations', including child protection requirements. Furthermore, child protection and particularly disclosure checks were the third most commonly cited constraint to the development of voluntary sport in responses from a local authority survey, another part of the Sport England research. The present research has added concerns with child protection to the original list of prompts, for respondents to put them in perspective as a constraint on volunteering.

A survey conducted by Volunteer Development Scotland in 2006 (2) asked people whether disclosure requirements would put them off from volunteering. Of the 990 people surveyed 85% stated that it would not at all affect their willingness to help with unpaid activities with children or vulnerable adults. Of the 31% who had helped out in a volunteer capacity in the previous year just 7% stated that it would definitely affect their willingness to volunteer in the future. Seventy one percent of respondents agreed that we are achieving a balance between safety and risk, compared to 20% who thought that as a society we are becoming too sensitive to potential risks (the remainder did not know).

In 2005 Gaskin undertook research for Volunteering England and the Institute of Volunteering research to report on risk and risk management in volunteering; including disclosure checks (3). The report revealed that the process of disclosure checking was time consuming and complicated. Errors with the system were also evident, for example people with pending convictions and cases that were going through court were not included on the system. In terms of the impact that disclosure checks have on volunteers, the report highlighted that it reduced the risks associated with using volunteers, although this was more so for larger organisations.

Nearly half of the smaller organisations surveyed by Gaskin felt that the process deterred new volunteers: the disclosure system created a barrier to volunteering.
for a number of people. These included those who were unable to produce the required documentation (e.g. overseas nationals, immigrants and young people), those who are gay and have convictions for sex offences because of unequal age of consent, and short stay volunteers as the checks were taking 4-6 months to complete. The lengthy process of the checks also meant that some volunteers were losing interest whilst waiting for the checks on them to be cleared. The disclosure checks also proved to be a barrier to volunteering for individuals who wished to volunteer for several organisations, as checks were not transferable between organisations.

In 2001 research carried out by Rochester; (4) into voluntary agencies with four full time staff or less and organisations wholly dependent on voluntary action, concluded that increasing legislation and risk aversion, while reflecting general societal pressures, had high costs in terms of administration time and stifling flexibility of activity. In particular, they absorb the time and energy of volunteers, diverting this from the core purposes of their organisations. The present study has asked clubs the amount of time they need to spend on disclosure checks.

In 2006, the Scottish Executive (5) reported on research into the sustainability of local sports clubs, analysing responses from over 1,400 Scottish clubs on general issues concerning their operations. This research identified the following results of relevance to the current project.

- ‘Child protection’ was the second most commonly expressed concern by clubs (mentioned by 188 clubs or 13%), after insurance. About 90 clubs provided details of the issues which they faced as a result of policies and procedures relating to volunteering and, in a large majority of cases, these were related to child protection.

- Although this report suggests that a "large number" of clubs had a child protection policy and a "large number" had appointed a child protection officer, further investigation revealed that only 150 out of 1407 responses mentioned a child protection policy specifically and only 33 Child Protection Officers were identified.

- Virtually all local authorities and local sports councils raised issues about child protection, and the impact which it was seen to have on clubs' administration and capability to recruit volunteers.

- A small number of clubs reported objections to the entire current child protection regime, but these were very much in the minority. In each of the
case study clubs where child protection policy was raised as an issue, it was made clear that the committee and members were strongly supportive of the principle and practice of child protection.

- There was a perceived difficulty by respondents in obtaining what was considered to be a definitive view on child protection issues. Few clubs were aware of the ‘Child protection in sport’ service being offered by CHILDREN 1ST. A recommendation was that sportscotland and CHILDREN 1ST promote their assistance to clubs and this could be helped by a direct link to it from the CHILDREN 1ST web site.

- Some clubs reported specific concerns relating to Disclosure Scotland checks. These problems were echoed by some local authority sport development staff, who also had concerns about the lack of clarity in some aspects of the legislation.

- The bureaucratic nature of the systems involved was also raised as a main concern. This was due to the administrative difficulties caused by having to obtain separate Disclosure Scotland checks for each organisation that a volunteer is involved in (as well as, in many cases, for their main employment).

- There was also evidence of a lack of understanding about child protection, leading to an exaggerated concern about risks of allegations of abuse among some volunteers working with young people.

However, the Scottish Executive study was an examination of clubs, so that although it identified child protection issues as the second most important issue for clubs, it did not examine the views of volunteers. The current project does this. Whereas there will undoubtedly be shared concerns, it is also possible that the effects of child protection legislation on individual volunteers may be different to the effects on clubs.

In 2007 Scotland's Commissioner for Children and Young People's (SCCYP) (6) study of adults' attitudes towards contact with children and young people reported the results of 1,093 individual interviews and six focus groups. Just under a quarter of its interview sample was involved with 'youth groups and sports teams'. However, this sub-sample was not analysed separately.

The SCCYP survey found the following general results:

- The survey identified women as being far more willing to volunteer with children and young people than men.
- There was a large drop-off in willingness to work with children or young people as potential volunteers aged.
The findings showed that almost half of all respondents (48%) cited a fear of accusations of harming children as being a barrier to volunteering with children and young people. When all respondents were asked whether they personally knew anyone who had been in this situation, 11% knew an adult who had been unjustly accused of harming a child; 17% knew a child who had been harmed by an adult; and 12% knew a child who had made a false accusation against an adult. A potential benefit of disclosure checks, explored in the present research, may be that it reduces volunteers’ concerns.

The second biggest barrier to volunteering was a fear of teenagers in general (34%). However, it was noted that providing a structured activity – such as sport – alleviated some of the perceived threat that teenagers posed.

Bureaucracy of form filling (15%), a lack of understanding of children’s rights (10%) and legislative issues (2%) were also highlighted. From the sample, 70% had heard of disclosure checking and 62% of the Protection of Children (Scotland) Act 2003, suggesting a high level of awareness – although understanding of these was not tested. The present research does this.

Whilst only 5% of respondents indicated they currently volunteered with children and young people – and given the negative views held, particularly against young people – it is encouraging to note that a further 69% said they would be willing to consider volunteering in the future.

A further study in England by Gaskin (2006) (7) presented 12 case studies of organisations' approaches to risk management (representing different types of organisations from different fields). One of the case studies was based around four volunteer-run sports organisations operating at grass-roots level. These organisations had made their own activities safe and risk conscious, however some reported that they felt on their own with this issue and that more should be done by sports governing bodies to lead on risk management and establish rules and frameworks. This suggests that SGBs and sportscotland can play an important role in supporting clubs.

One step towards addressing this information and guidance issue was facilitated by sportscotland (8) who, with CHILDREN 1ST, in 2006 produced a set of guidelines 'Creating a safe environment for children in sport' for Scottish governing bodies of sport. The guidelines were produced to help these organisations in their endeavours to ensure that child protection measures are in place, so that children who participate in sport do so in an environment which is safe and secure.
guidelines are aimed to help governing bodies to develop their own policies and procedures and help them to successfully put these into practice.

Other key findings identified by the Gaskin (2006) report include the appreciation that risk has become a key issue within society (replicating Rochester, above) and is an essential part of life and of the voluntary and community sector. Volunteers are being put off by a fear of risk and its consequences, however the report suggests that we have now reached a point at which we can stabilise the approach taken by the sector to risk management. The sharing of good practice can help to achieve this and make it accessible to the smallest of organisations.

In 2006/7 a survey of volunteering and charitable giving in England was conducted by the Cabinet Office (9). The survey yielded a response sample of 2,156 adults (aged 16 and over). It included questions on formal volunteering (i.e. once in the last 12 months) and regular volunteering (once a month or more in the last 12 months). Analysis by age revealed that only 18% of current formal volunteers had been asked for details of criminal convictions, or had done a disclosure check. There is a variation by role (e.g. 41% for those in education, 17% for fundraising) which suggests that to a degree volunteers are only being asked for checks if it looks like they need them. A minor difference in age was evident, with 16-24 year olds being the most likely to have had a check and 65+ least likely. Perhaps this reflects younger people being more likely to have entered volunteering since disclosure checks were required. Ninety-six percent of volunteers would not mind at all if they had to give details of previous convictions, and 97% would not mind a disclosure check, although this question suffered from a low response rate of approximately 55%.

2.3 Change in legislation

The research aims to anticipate positive and negative impacts of changes in legislation, notably the Protection of Vulnerable Groups (Scotland) Act 2007 (20), following the Bichard Inquiry report arising from the murder of two Soham schoolgirls in 2002. This called for a registration system for all those working with
children and protected adults. Disclosure Scotland has confirmed that this legislation in Scotland includes the following section:

"The Act delivers a system that will, in the vast majority of cases, be quicker and simpler for employers, employees, volunteers and self employed people to understand and use. People who work or volunteer with children and/or protected adults will apply for scheme membership just once. Thereafter, their scheme records will be kept constantly up to date which means that they will no longer need to undergo a time-consuming disclosure procedure each time they change posts. Instead, a short version of individual scheme records will be available online. This will enable employers to do an instant check to verify that a person is a scheme member and therefore, not unsuitable. In most instances, this will speed up recruitment decisions, reduce bureaucracy and reduce costs.”

(Communication from Disclosure Scotland, 7/11/07)

The Protection of Vulnerable Groups (Scotland) Act 2007 will in essence deliver:

- A robust vetting and barring scheme that will safeguard vulnerable people by preventing people who may harm them from working with them. Those that become unsuitable whilst in employment will be removed quickly from their post.
- A fair and consistent system that will be accessible to everyone using it.
- Those barred from working / volunteering with children and vulnerable adults will be managed by a new central barring unit which will determine who exactly should be barred.
- The system will also link closely to other systems in the UK to ensure that anyone on the barred list in Scotland will also be barred throughout the rest of the UK (and vice versa).
- People who work or volunteer with vulnerable groups will apply for membership to the scheme just once and thereafter their records will be constantly updated.

In commenting on a draft of the corresponding bill in England, Liberty (10) has broadly welcomed the introduction of a positive vetting scheme, administered by an Independent Barring Board. Reservations at this stage of consultation (June 2006) included that, in seeking to protect children and vulnerable adults from harm, it is important to balance this against protecting the innocent from ill-founded allegations. Clause 7 of the draft creates an offence, punishable with up to five years imprisonment, for seeking to engage in a regulated activity if barred. If this clause and its potential implications was to receive negative publicity it could be a
deterrent to volunteers, especially if it is misinterpreted as applying to a wider set of people with criminal records (there is already some evidence of this). Liberty proposes that it would be more appropriate to limit criminalisation to cases where a barred person has attempted to ‘engage in regulated activity by misleading the Independent Barring Board’.

Volunteering England guidance on screening and disclosure checks (May 2006) (11) points out that ‘There is a major concern that organisations may shy away from taking on individuals with any kind of criminal record at all. It is estimated that at least 20% of the working population has a criminal record and one in three men under the age of 30 have criminal convictions. To decide to rule out all these people when looking for volunteers considerably narrows down the available options and means that people with potentially valuable skills and life experience are being ignored.’ Even though these individuals may not be excluded from volunteering through the process of disclosure checks, they may exclude themselves by either a belief that a check would prevent them volunteering, or because they do not want to reveal personal details to other club members. This is important in considering if the requirement for checks has reduced the number of volunteers.

Volunteering England’s guidance points out that apart from a few specified crimes, known as Schedule 4 offences, there are no set guidelines on which other offences would make an individual unsuitable to work with children or vulnerable people. This decision has to be made by the organisation asking for the check. With specific respect to ex-offenders, this presents a challenge to the voluntary ‘sector as a whole to ensure that the five million-plus people in England with convictions for a crime which could have involved imprisonment are not written off as potential staff and volunteers’. A further point, of relevance to the present research is that disclosure records must be kept confidential and it is an offence to pass them on. This puts an additional responsibility on club child protection officers, if the records are passed to them.

The report of the Commission on the Future of Volunteering (in England) -
'Manifesto for Change' (2008) (12) - suggested that organisations often have no choice but to require disclosure checks, references and other assurances. In some cases these are probably disproportionate in relation to any actual risks and are burdensome for the organisation. These hurdles can deter potential volunteers, especially those that lack confidence. The report concluded that society needs to reassess the approach to risk as it cannot be right that individuals are being put off from volunteering because of the complexity of the procedures that are in place. It proposes that a Government working party should be set up to remove unnecessary obstacles to volunteering such as the problems of the disclosure checks. It notes that the new vetting and barring scheme, to be phased in from autumn 2008 in England, will speed up checks and remove the need for multiple checks for different roles, but it will also mean more roles require mandatory checks. At present only a small number of roles require a check by law – most checks arise through an organisation’s conscious decision to check as a duty of care towards clients.

2.4 Conclusions

The need to conduct disclosure checks is an additional task for club volunteers arising from increased legislation and social pressure towards ‘professionalisation’ of sports club administration (13, 14). Inevitably these will require time and energy to conduct, and divert volunteer resources from the main driving force for clubs, which Allison’s previous study of Scottish sports clubs concluded was the enjoyment of their sport (15). The present research has to put this in perspective and find out how much of a burden these checks are to volunteers and sports clubs. For clubs, problems may arise from a lack of clarity over the procedures, interpreting and acting on the implications of a disclosure, and keeping confidential records. Smaller organisations need more assistance with the process and the average size of sports clubs means that guidance is likely to be important.

The obvious benefit of disclosures should be removal of unsuitable people from roles where they could harm children, although the review has not revealed any evidence of this.
This may occur through self-regulation, to the extent that the existence of checks prevents unsuitable people from volunteering. However, there is also the possibility that suitable people (with offences irrelevant to volunteering) are also deterred from volunteering; and this may apply disproportionately to groups which government policy might want to volunteer more. One benefit is that disclosure procedures may allay volunteers’ fears of accusations being made against them, because they have been checked as suitable people for their roles. The primary research explores these potential costs and benefits.

In general, volunteers and the public are supportive of the idea of disclosure checks, although so far their application appears ‘patchy’ and clubs are prone to viewing them as an administrative burden, imposing extra costs and being a deterrent to volunteers. The revised legislation promises benefits of speeding up checks, avoiding multiple checks and keeping checks up to date. However, as Liberty’s response to the draft bill in England indicates, the detail could have negative implications for volunteering. The research offers the opportunity to put concerns over child protection issues into perspective, compared with other deterrents to volunteering. As the brief to the current research makes clear, it is important to explore both positive and negative impacts of the legislation.
CHAPTER 3: THE EFFECTS OF DISCLOSURE CHECK REQUIREMENTS

Disclosure checks are an important part of child protection legislation and they have arguably drawn most criticism. However, even though the content of this chapter tends to concentrate on the problems with disclosure checks, it should not be forgotten that many of the wider benefits of child protection legislation in the subsequent chapter relate directly to disclosure checks as one of its principal elements.

3.1 Summary of disclosure process

In discussion with key agencies' representatives, the following understanding of disclosure processes was reached:

- Club identifies volunteer and asks volunteer to complete a disclosure check.
- In practice an enhanced disclosure will always be required for prospective volunteers working with children - standard disclosures are not relevant.
- Disclosure administration in sport is conducted by one of three organisations - first, an umbrella organisation (normally the SGB); second, the club; or third, another body, such as a local sports council.
- The SGB/club/other sends the volunteer a form to complete which asks for personal details sufficient to verify their identity. This includes a passport or a driving license and a set of other documents e.g. a set of bank statements, TV licence, etc.
- The volunteer takes or sends these documents to a person from the SGB/club/other who checks that they confirm identity.
- The SGB/club/other sends the forms to the Disclosure Agency
- Both the volunteer and the SGB/club/other are sent a record of offences.
- The only information which automatically excludes the volunteer from working with children is if the person is formally disqualified from working with children.
- Most offences disclosed, therefore, do not invoke automatic exclusion and the decision on whether or not to use the volunteer will be made at the SGB
or club level. The procedures vary by sport - in some the SGB makes the
decision, in others the SGB makes a recommendation but the club decides.
When the club handles the administration, it then makes the decision.

- Decisions will be made by a variety of means - in some SGBs there is an
  expert panel; some SGBs consult CHILDREN 1ST; in other organisations it
  may be one person, the nominated child protection official, who makes the
decision.
- In some cases SGB/club/other receives 'soft' information about applicants,
such as arrests and charges, as well as 'hard' information on offences.
- Ideally decisions should not be based on disclosure information alone, but
  also on normal recruitment documentation, e.g. references, qualifications.
  It is likely that practices vary across organisations.
- CHILDREN 1ST recommend a right of appeal against decisions, but it is not
  known how many organisations have a right of appeal.

### 3.2 Discussion of disclosure checking processes

All potential new volunteers must undergo an 'enhanced' disclosure check,
processed by Central Registered Body in Scotland (CRBS). One representative of
a key agency suggested that 'standard' disclosures are used for those taking on
support roles (i.e. not sole and direct contact with children), whilst another believed
that all disclosures for those working with children are 'enhanced'. Legislation has
not yet required retrospective checks for those already involved in volunteer
positions, although some sports have implemented these, possibly in an attempt to
repair previous bad records on abuse. However, there is variation in the
disclosure management procedure across different sports, particularly in terms of
ownership. In certain sports (e.g. gymnastics), Scottish Governing Bodies (SGBs)
take responsibility for the disclosure process, while in other sports this role is
carried out by individual clubs.

The ability to manage the disclosure process is not necessarily dependent on the
size of the SGB - there are some examples of good procedures in smaller SGBs.
SGBs appear to take the lead in most sports, but there are cases where clubs
have chosen to ‘go it alone’, possibly as a result of perceived poor support from SGBs, or because the SGB is not a registered umbrella organisation. Where clubs are responsible for disclosure administration, there are a number of organisations offering help and support, for example Sports Council for Glasgow, and West Dunbartonshire Council.

Regardless of the locus of responsibility for administering the disclosure process, there are differences between sports concerning the decision making process following a positive disclosure. For example, in rugby the SGB makes the decisions as to whether an individual is suitable to take up a volunteering role. This situation is mirrored in gymnastics, where Scottish Gymnastics took the responsibility as a result of expressed unwillingness on the part of clubs to take on such a role.

The ultimate responsibility for implementing child protection and disclosure checking (as opposed to interpreting the results of checks), however, lies with clubs as they are the organisations actually making use of the volunteers. Organisations such as CRBS offer support where decisions have to be made, but cannot make the decision for the clubs. However, with appropriate governance procedures, SGBs can take responsibility for disclosure administration and decision taking.

Inconsistencies in the decision taking process following a positive disclosure were highlighted by several key agency interviewees, with one noting that there is nothing in black and white about exactly which offences should lead to exclusion (except individuals who have been convicted of the specified offences.). It was noted that in training there have been examples of people reaching different decisions based upon the same case. As such, there is a distinctly grey area in the interpretation of a positive disclosure.

Some SGBs (where they are responsible for decision-making) have panels which make such decisions. Where such a panel does not exist, certain SGBs consult CHILDREN 1ST for advice. One key agency interviewee raised the concern that
community ties become an issue where clubs take the responsibility for decision-making, because a club committee potentially has to make a decision regarding a friend or neighbour.

Currently, 6.5-10% of disclosure checks reveal offences which need to be considered, according to CRBS. This varies with the context, for example more men than women have criminal convictions, therefore sports such as football with a high number of male volunteers may have higher numbers of positive disclosures.

Active Schools Coordinators suggested that the procedure for checking disclosure forms and ID varies between different councils for which they work. Many coordinators check the completed forms for errors and check ID provided, before sending the disclosure forms to the council for processing. However, some coordinators reported that they do not check disclosure forms, with volunteers sending the forms and ID documents directly to a department within the council. In order to prevent errors in completing the disclosure forms, certain coordinators offer assistance to volunteers in filling in the forms. In one area, the majority of disclosure checks are carried out by schools, in order that volunteers can take up more than one role at the school without needing multiple disclosures. All this variation in procedure represents pragmatic solutions to completing the disclosure forms - it need not affect consistency in decision-making.

In cases where a decision is required for an individual, four Active Schools Coordinators reported that the decision is made by the relevant department within the council. However, in the majority of cases, a discussion takes place between the Active Schools Coordinator, their manager, the volunteer and a representative from the school where the volunteer will be working. After discussions with all relevant parties, the final decision as to whether a volunteer will be accepted lies with the school.

There is a degree of variation between councils about the status of a volunteer whilst waiting for a disclosure check to be returned. One coordinator reported that
volunteers cannot work until a disclosure check has been completed, while another explained that volunteers are not able to work alone but can assist other coaches. The latter view is correct.

For one coordinator the disclosure check represents the first stage in the recruitment process and once a check has been returned with no offences, the coordinator carries out an interview with the volunteer before they can commence work. Another coordinator does a risk assessment with new volunteers. A third reports that new volunteers are given a volunteer handbook and offered training in areas such as child protection, whilst a fourth discusses child protection regulations and issues with volunteers before they start work. These are all examples of the fact that best practice does not rely on disclosure checking, but uses it as part of a more comprehensive recruitment and induction process.

3.3 Effects of disclosure checking

Arguably the main concern about the negative effects of child protection legislation is the requirement for disclosure checks for volunteers working with children and young people. It is important to distinguish the effects of disclosure checks on individual volunteers from the effects on clubs, so we first present the responses of volunteers, then subsequently the responses of organisational representatives.

Individual volunteers

Figures 3.1 and 3.2 summarise the levels of agreement ('strongly agree' plus 'agree' responses) by respondents in the volunteers' survey to a series of statements in the questionnaire. There is generally high level of agreement with the positive statements provided in the questionnaire about disclosure checks:

- 53% agree that they help to give children confidence in volunteers
- 79% agree that they help to give confidence that the club has met its legal requirement.
- The percentages agreeing with the statements are significantly higher (at the 95% confidence level) for females and for current volunteers who had been asked to complete a disclosure check.
- Males are significantly less likely than females to strongly agree with the first three statements in Figure 3.1.
- Coaches are also significantly less likely that other volunteer roles to strongly agree with the second and third of the statements.

**Figure 3.1 Agreement with positive statements concerning disclosure checks**

![Bar chart showing percentage agreeing with positive statements](image)

However, when presented with negative statements about disclosure checks, there are also reasonably high levels of agreement from the survey respondents - see Figure 3.2. The highest level of agreement is 66% agreeing that disclosure checks discourage volunteering because a new check is needed for every organisation volunteered for. The other reasons for disclosure checks discouraging volunteering attract strong minority support in the volunteers' survey - over 40% agreeing that they are off-putting because of the paperwork they take and because they require private details. Volunteer coaches are significantly more inclined to strongly agree with these three negative statements, and significantly less likely to strongly disagree with them, than volunteers in other roles.
Therefore, the support from volunteers for positive statements about disclosure checks needs to be qualified by the support for negative statements too; although the former are largely about principle whilst the latter are about practical detail. This impression is reinforced by open comments given as part of the volunteers' survey. Support for disclosure checking is evident from the second most common open comment (from 63 out of 375 respondents offering comments), which expressed the opinion that the disclosure process is essential. Examples include:

"I would not leave my children with anyone that is not disclosure checked. I feel it is an important factor that helps with my decision on taking my children to activities."

"Having been heavily involved in child protection issues through work, as part of a multi-disciplinary team rolling out a child protection programme in schools, I feel strongly that there is no such thing as 'too much intrusion' when it comes to checking out an individual's previous history."

However, the other most common comments are complaints about disclosure checking, particularly the following issues.

- The need for multiple checks - by far the most common complaint (from 168 out of 375 respondents offering comments) - with many of these responses cynical about the system 'making money' out of this requirement: one or two even calling it a 'scam'.

"I currently have six disclosures for different organisations, which represents a huge waste of time, effort and money for the organisations"
involved. The system needs to be streamlined to remove this bureaucracy."

"This legislation is completely out of control. I've been checked so often that I have stopped volunteering for anything new."

- The system for disclosure checking is too bureaucratic, too slow and a 'large hammer to crack a small nut' (from 48 respondents)
- The checks only pick up those with criminal records and miss others with inappropriate behaviour, so the checks are not sufficient (from 38 respondents).

"Disclosure checks only cover one aspect of your suitability to work with children - they provide no guarantees that you are: 1. competent to carry out the activity involved (i.e. have the required training or experience); or 2. suitable to work closely with children ... I guess the concern is that people may think that a disclosure check means that everything is automatically OK."

- The checks are only a snapshot and need regular updating (from 29 respondents).
- Disclosure checks are off-putting to volunteers (from 25 respondents), not least for the role of Child Protection Officer.

"Most people get involved by helping out and then become increasingly active. The effect of disclosures is that we appear to be seeking commitment up front that puts people off. We need a way to draw people in, do it in a way that protects children but does not make people feel they are making a commitment before they are ready or have found out what is involved."

"If you only ask them whether a disclosure check is going to put them off, many will say 'no'. It is all the other stuff which will put them off - reading the Child Protection Policy (25 pages plus 35 pages of appendices) and the various Codes of Practice, attending a training course and being monitored in all they do. Any potential volunteer will think twice. ... I think it will be particularly difficult to find a successor Child Protection Officer when the time comes."

"There is a huge amount of work involved in setting this procedure up for the Child Protection Officer. This discourages people from volunteering for this position and increases the pressure on the committee volunteers"

Other comments include another fundamental threat, expressed by five respondents, including:

"What worries me about recent changes is that clubs may stop having junior sections. A club I belonged to decided that it was not worth the effort having a junior section. I know of other clubs in a similar position."
"We use a local authority facility ... we were told (by the Council) that every adult had to go through the disclosure process. The Council representative was becoming insistent about disclosure so our solution was to amend our membership policy. Since that time we have not accepted individual junior members."

The concern about disclosure checks being off-putting to volunteers is a particularly worrying one, and further results explore this issue. In Figures 3.3 to 3.5, we present the results of questions asking volunteers how important a variety of prompted factors are as barriers to volunteering, including disclosure checks. These results put any deterrent effect of disclosure checks into perspective by comparing this factor with others taken from previous research (1).

Current volunteers

Figure 3.3 presents the evidence for 744 current volunteers. The figure shows the percentages of current volunteers which rate the factors either fairly important or very important as threats to continued volunteering.

Figure 3.3 Threats to current volunteers continuing to volunteer

Time and paid work pressures are the most important threats to continued volunteering by current volunteers – consistent with findings of general research into volunteering (9, 16, 17), and into sports volunteers specifically (1). This research has not explored in detail the reasons behind time and work pressures, but a general explanation is that individuals are bombarded by inescapable and ever increasing opportunities for their time, energy and enthusiasm (13, 14) and
perceived time pressure is associated with the imperative to choose between them. Hence, ‘not enough time’ is the most frequent reason given for not volunteering in all surveys of the general public.

Disclosure checks are a distant 11th in importance in the present survey, with just under 15% of current volunteers rating them either fairly important or very important as threats to their continued volunteering. It is not surprising but also reassuring that current volunteers who had undertaken a disclosure check are significantly more likely to see the requirement for a disclosure check as ‘very unimportant’ as a threat to their continuing to volunteer, than volunteers who had not been asked to undertake a check.

More than a third of the current volunteers offered responses to an open question asking for any other very important factors threatening their volunteering. The most commonly cited three factors, each identified by 27 of these open responses, were:

- not enough help;
- child protection issues, mainly disclosure checks; and
- too much administration/bureaucracy.

The first and third of these factors are consistent with the results of the Sport England, 2003 research (1). Child protection issues are consistent with the Scottish Executive research, but their importance in these open responses is in contrast with the relative unimportance of disclosure checks in Figure 3.3. It may reflect the fact that the main point of the survey was child protection issues; or it may demonstrate the ability of current volunteers to distinguish the general problems of child protection from the specific problems of disclosure checks. Some of these general problems with child protection issues and bureaucracy generally are clearly expressed:

"I am currently the child protection officer for the club. I find the procedures very onerous, time consuming and in some cases the child protection advice is contrary to common sense and is all about 'covering your back'. It sometimes makes you 'frightened' to work with children, and as a result of other commitments makes you less likely to fulfil the role. I will be giving this role up in March and it is unlikely anyone else from the club will
volunteer."

"The paperwork, procedures and administration required are becoming almost intolerable and unmanageable although this doesn't specifically relate to just child protection. Committees, constitutions, child protection policy, club charter, risk assessment, grant applications, equity policy, coach code of conduct, player code of conduct, spectator code of conduct, parent code of conduct, club insurance, coach insurance, photographic consent forms, trip consent forms, medical forms, incident reports, development plans, etc."

"Nothing threatens my volunteering more than the feeling I have, that I can no longer be trusted to do what I've done for many years without being checked up on, lectured to, and generally being treated with suspicion by people who do no volunteering work. If only the same effort could be put into helping volunteers."

"I feel we are becoming a nanny state. I feel too much legislation is counterproductive to child safety. How many people nowadays would help (or not!) a child in need for fear of being blamed for something? All this not touching, or only using two fingers if touch is needed, …it is mad."

In the open responses, other factors identified by more than ten respondents as very important threats are time and family responsibilities, health problems, lack of SGB support, multiple disclosure checks, and internal club issues.

**Disengaged volunteers**

Figure 3.4 examines the importance of the same factors as reasons for 64 disengaged volunteers stopping volunteering. Again it is 'time' and 'paid job' barriers that are by far the most important factors causing volunteers to stop volunteering and which most need to be considered by retention and succession policies. Disclosure checks are last in importance, with less than 5% of disengaged volunteers claiming they were either fairly important or very important. However, it should be appreciated that disclosure checks are only likely to have affected disengagement in the last ten years, or even since the legislation in 2003, so maybe their relatively low importance is not surprising.
Figure 3.4 Reasons for disengaged volunteers stopping volunteering

Twenty three of the disengaged volunteers gave responses to an open question asking for other very important reasons for them stopping volunteering. Nearly two-thirds of these related to either moving location or getting full-time employment. None related to child protection issues.

Potential volunteers

In the club members' survey 169 respondents were neither current volunteers nor disengaged volunteers. We have therefore termed these as 'potential volunteers' because members of clubs are the most common volunteer recruitment source. Figure 3.5 shows the reasons for these 169 potential volunteers not offering to volunteer.

Figure 3.5 Reasons for potential volunteers not offering to volunteer
Although time and paid work barriers are evident again as the top two barriers, a lack of confidence is also apparent, with 'do not have the right skills/experience' taking clear third place in Figure 3.5. Disclosure checks are well down the list, in twelfth place, with just over 12% rating them either a fairly important or very important reason for not volunteering. Potential volunteers were also asked a direct question - had they considered volunteering at a sports club but been put off by the prospect of a disclosure check? - 95% responded 'no' and just 8 out of 166 responses were 'yes'. Most of the factors in Figure 3.5 can be taken into account in designing effective volunteer recruitment procedures.

Less than a quarter of potential volunteers offered other very important reasons for not volunteering, of which the most common reinforced the prompted factors of family commitments, paid work commitments, and shortage of time. Only one of these open responses related to child protection:

"I wouldn't put myself in such a vulnerable situation to be wrongly accused by children of some sort of child abuse. I accept that the protection towards children is important but I think it's putting people off coaching, especially like hands on sports such as gymnastics."

The evidence of Figures 3.3 to 3.5 suggests that in comparison with other barriers to volunteering (particularly time and paid work) disclosure checks are not in practice an important barrier to volunteering for many individuals. These figures show the percentages rating factors as either 'very important' or 'fairly important'. The more specific percentages rating them 'very important' are 7% of current volunteers, 3% of disengaged volunteers, and 4% of potential volunteers. There is, however, a strong minority dissent more generally aimed at child protection, particularly by current volunteers.

**Child Protection Officers**

The most commonly cited disadvantage of child protection legislation by the Child Protection Officers surveyed was that disclosure checking was time-consuming. This was partly blamed on what were felt to be cumbersome disclosure forms, but one officer suggested that this was just the nature of the procedure, whilst another made the necessary reminder that it was "still a worthwhile exercise".
Administration time was not just annoying for Child Protection Officers, but also off-putting to potential volunteers. One Child Protection Officer suggested that, as a consequence, recruiters of volunteers were hesitant to present willing helpers with the disclosure process.

Two Child Protection Officers suggested that the processes caused awkward personal relationships, because of the nagging necessary to ensure that coaches completed disclosure forms. Two other Child Protection Officers also echoed the concerns of other people in the research when they criticised the need to have separate disclosure checks for each organisation volunteered for.

Initial problems implementing the legislation for Child Protection Officers included finding out what needed to be done, obtaining training, producing a policy document, chasing up volunteers needing to be disclosure checked, and convincing others of its necessity. A problem that remains is that it is not feasible to ask all parents who may or may not be required to drive juniors to away competitions to undertake disclosure checks.

**Active Schools Coordinators**
The majority of Active Schools Coordinators felt that child protection legislation has been beneficial in ruling out potential volunteers with criminal records. Evidence for this came from one coordinator who reported that disclosure checks for several volunteers were returned indicating that they were not suitable to work with children. Several other coordinators reported cases where a disclosure check had come back with an offence whereby a decision needed to be made as to whether the individual could take on a volunteering role with children. The majority of coordinators, though, reported that they had not had any disclosure forms returned containing any offences, therefore some are not sure what would be the procedure for making a decision on the suitability of a potential volunteer.

Whilst the majority of coordinators felt that child protection legislation has been beneficial in ruling out potential volunteers with criminal records, two coordinators pointed out that the disclosure is only as good as the day on which it was carried
out and organisations do not know if volunteers have subsequently offended. Furthermore, one felt that while the legislation can provide reassurance, statistically most abuse occurs from someone who the child already knows. Therefore, this coordinator is not sure whether the disclosure requirements prevent abuse from taking place.

While all Active Schools Coordinators were able to report some benefits of child protection legislation, many problems were also identified, notably the requirement for multiple disclosures, the time taken to process disclosure checks and the administrative requirements. The need for an individual to have multiple disclosure checks was viewed by many coordinators as the major problem with the current system. One claimed that many volunteers question the need for additional disclosure checks and four others believe that this requirement is putting potential volunteers off, particularly because of the time taken to complete multiple forms. One of these coordinators goes on to suggest that the need for multiple disclosures is often questioned by volunteers, suggesting that the credibility of the system is being harmed. Conversely, another coordinator feels that the requirement for multiple disclosures is not reducing the number of volunteers but it is reducing the number of capacities in which an individual volunteers. One coordinator believes that while volunteers find the need for multiple disclosures annoying, if they truly want to volunteer, they will still complete the forms.

A second problem commonly reported among Active Schools Coordinators was the time consuming nature of the disclosure process - one believes that the level of bureaucracy involved in getting disclosure checks is slowing down the process of setting up clubs. Similarly, two coordinators feel that the legislation, particularly the time taken for disclosure checks to be processed, can slow down the recruitment of volunteers - although they accept that it is a necessary step which needs to be taken. There is also an acknowledgement that the time taken to process disclosures requires forward planning on the part of the Active Schools Coordinators in terms of recruiting volunteers. However, one coordinator pointed out that the need for a disclosure check means that in his area volunteers cannot get started in a role immediately and this can put potential volunteers off.
There is disagreement among Active Schools Coordinators concerning whether they believe disclosure requirements are putting off potential volunteers. One thinks that if a person has committed an offence in the past, they may be put off from volunteering because of the need to undergo a disclosure check. The use of discretion in making decisions as to whether an individual with a criminal record can take up a position depends, in many cases, on the nature of the offence. Two coordinators believe that some people who have criminal records may shy away from volunteering because they assume that any criminal offence will preclude them from working with children. Similarly, a coordinator suggests that potential volunteers may be put off if they have done something which they don’t want others to know about. Another coordinator does not feel that volunteers are put off by the need for a disclosure check and says that if someone really wants to volunteer with children, they will be prepared to undergo the check.

One coordinator speculates that although having a criminal record may deter some people, without asking the individuals themselves it is not possible to know this for certain. Disclosure requirements may have reduced the number of volunteers, but this is a positive step towards ensuring suitable people are working with children. Therefore, it appears that the opinion of Active Schools Coordinators on this matter is divided, possibly due to the different experiences they have had in terms of volunteer reactions to disclosure.

An additional problem with the current disclosure system, identified by two Active Schools Coordinators interviewed, is that the information provided is only up to date for the day on which the check was performed. Equally, as one coordinator states, just because a person has passed a disclosure check does not mean that they have a clean background, it just means that they have never been caught for an offence. On the other hand, another coordinator points out that just because someone has a criminal record, does not mean that they would not make, for example, a good coach. Therefore, the check cannot provide definitive proof of a person’s suitability to work with children and there is still an element of trust involved, even if someone has passed the disclosure check.
The physical requirement of filling in the disclosure form was felt by some Active Schools Coordinators to put off potential volunteers, particularly in less affluent areas where there are low adult literacy levels. One coordinator reported that completing the disclosure form can put off potential volunteers because of the time it takes, while another feels that the disclosure requirements formalise the volunteering process, which may be off-putting for those who simply want to volunteer in a very minor capacity. Equally, one coordinator suggests that some volunteers are put off by the volume of information requested on the disclosure form, as they are unsure what the information will be used for.

In the past many forms were returned with errors on but the form has now been simplified and therefore one coordinator feels it is no longer deterring potential volunteers. Several coordinators offer support to volunteers in completing the disclosure form, to reduce errors and problems of comprehension. Rather than being seen as a deterrent to potential volunteers, one coordinator believes that the disclosure form is viewed more as a hindrance by those who have multiple disclosures. One area of the form which is perceived to cause problems is the provision of three forms of identification, particularly for those who do not have a passport or driving licence, or for young volunteers who do not have utility bills etc. in their own name. Equally, the form can be difficult to fill in for those who have had a lot of addresses, e.g. students and RAF personnel.

One coordinator reports an incident of an older volunteer perceiving the requirement for a disclosure check to be an invasion of privacy, as the person in question had been working as a coach for many years and so did not see the reason for a disclosure check. However, most coordinators report that no volunteer has suggested that the form is an invasion of privacy and one suggested that any concerns can be allayed by explaining to the volunteer the reason for the disclosure check.

Finally, one coordinator feels that there is now a lot of legislation, therefore she does not feel that it is the disclosure requirements which are putting potential
volunteers off, but rather the general volume of legislation which they must be aware of and comply with. This view is consistent with the evidence in Figures 3.3 to 3.5 - ‘too much paperwork’ is an important deterrent/barrier to at least twice as many respondents as ‘disclosure checks’.

Clubs
The club representatives had varied experiences of disclosure checking - from 16 clubs which had undertaken no disclosure checks in the last two years, to one club which had undertaken 70. The median was just two disclosure checks in the previous two years. Across the 52 clubs surveyed, 427 disclosure checks had been carried out over the previous two years. This process had resulted in no volunteers being excluded from working with children, and only in one club was a decision made on the suitability of the volunteer by the club or the SGB.

This very small percentage of disclosure checks requiring a decision compares with 6.5-10% nationally (across all sectors and paid work as well as volunteering). It may indicate that unsuitable people are deterred from volunteering. It may also suggest that people with offences irrelevant to volunteering are also deterred from volunteering. This contrasts with the perceptions of four of the key agencies interviewees who saw no hard evidence of the need for disclosure having a deterrent effect on potential volunteers and one believed that most potential volunteers are happy to undergo a disclosure check.

The evidence from clubs suggests that those with a record are not putting themselves forward for checks, either because they know they will have to disclose a criminal record, or because those with convictions have a lower propensity to volunteer anyway.

Across the 52 clubs, 61 potential volunteers had been asked to take a check, but had not done so, however, 50 of these were accounted for by two clubs. Thus, it is something specific about these clubs that has prevented the checks being made, rather than potential volunteers being dissuaded from volunteering by the prospect of a check. Similarly, one key agency interview cited an example of seven known
potential volunteers being given disclosure forms, which were never returned. However, this interviewee did not believe that the failure to submit the form was necessarily associated with the need for disclosure.

Ten per cent of club representatives agreed that the need to have a disclosure check ‘had prevented volunteers coming forward, so the number of volunteers had been reduced’ – although 71% did not think this had happened. Twelve per cent believed that when a volunteer had come forward, once they were told they needed to have a check, this had been an extra barrier to them becoming a volunteer – while 78% disagreed. The administrative time taken to process checks was not a major burden - a median time of less than 2 hours for clubs (and also for volunteers) was reported: although low response rates to this question reflected the difficulty of making these estimates.

Key agencies
There is also a perception among most key agencies’ interviewees that there is little evidence of child protection legislation deterring potential volunteers. One suggested that the picture of disclosure processes as difficult was painted by the media, however reports from those who have gone through the process do not mirror these claims. Another did suggest that disclosure requirements are dissuading potential volunteers. If there is a long waiting time for disclosure checks, potential volunteers may become disheartened and drop away, which would be poor volunteer management practice. While the process of completing the disclosure form and the long waiting time for the checks to be performed were issues in the past, the processing time is now much reduced and potential and current volunteers have access to many sources of support and assistance in filling in the form. Despite this, there is an error rate on disclosure forms sent to CRBS of around 25% - requiring additional time to resubmit them.

While current legislation does not require disclosure checks for existing volunteers, some SGBs and clubs have implemented checks for all volunteers. The issue of invasion of privacy/lack of trust is potentially greatest among this group, with some questioning the sudden need for checks when there have been no problems in the
past. Equally, the issue can be prevalent in smaller clubs, with volunteers concerned that their personal information may not be kept confidential, in an environment where they are well-known.

The main problem identified with the current child protection legislation is the need for multiple disclosure checks for individuals volunteering in more than one capacity. This echoes the dominant finding in Figure 3.2 above, expressed by individual volunteers. It is seen not only as a source of frustration to individual volunteers, but certain interviewees felt that it added to the already considerable administrative burden for clubs.

Despite the problems raised, it was widely felt by key agencies' representatives that disclosure checks were getting all of the attention from clubs/SGBs, when they should only form a part of effective recruitment and retention strategies. Indeed, one key agency interviewee claimed that there is an obsession with disclosure, when the focus should be on training clubs how to safeguard children. Similarly, some clubs are over-reliant on disclosure checks instead of gathering further information about potential volunteers, such as references and proof of qualifications. Clubs and SGBs have a duty to report any concerns and allegations to the Scottish Government but it is not clear to what extent this occurs. The clubs tend to be preoccupied with the disclosure checks at the front end of the process, while neglecting the back-end reporting and referral procedures, which complete the child protection loop.

Despite some reports of good practice in individual clubs, the general perception amongst interviewees was that there is a lack of capacity at the sports club level to manage child protection issues and disclosure processes, with particular concerns being the time available, administrative requirements and wider support for Child Protection Coordinators. Such problems are particularly prevalent in entirely volunteer-led organisations.

Associated with the lack of capacity is the acknowledgement that the majority of those working at club level are not fully aware of which offences preclude an
individual from working with children. Therefore, the people making decisions concerning positive disclosures do not necessarily have the correct knowledge and experience to effectively carry out this task. In line with this sometimes patchy knowledge, there is a tendency for clubs to make indiscriminate decisions, often accepting no risk and therefore rejecting all volunteers with any criminal convictions, regardless of whether these actually do preclude the individual from working with children. However, this impression is contradicted by the club survey where only one club had to exercise discretion.

A possible ‘no risk’ approach by clubs would be a symptom of a fear culture, where people are scared of the possible consequences of taking on a volunteer with a criminal record. A particularly interesting perspective on this was provided by one key agency interviewee who pointed out that volunteering is often considered as a way of re-integrating ex-offenders back into society. However, the disclosure checking process and fear of making mistakes at the club level represents a challenge to this notion and thus to volunteering as a re-integration tool, a point emphasised by the Volunteering England guidance (11).

3.4 Conclusions

It does not appear that the disclosure process itself is deterring potential volunteers in large numbers because, in comparison with other barriers to volunteering, disclosure checks are not an important barrier to volunteering. There is, however, a minority with strong negative views on child protection. Statistically, according to the survey data, these are more likely to be male than female, and more likely to be coaches than other volunteer roles. These merit management action to try to win them over - possibly in the form of internal promotion to re-emphasise the rationale for child protection measures - because otherwise they are in danger of promoting their discontent within their clubs.

Child protection legislation and particularly disclosure requirements may be used as an excuse by clubs for not finding sufficient volunteers, rather than taking a more positive approach to volunteer recruitment. Nevertheless, there are clear
practical problems with disclosure requirements, including the need for multiple checks for different organisations. The new legislation is attempting to address some of these problems.

A relatively small minority of people complain about disclosure and see it as a threat to their volunteering. However, even if disclosure checks put off some volunteers, this might be seen as an acceptable cost for the positive steps the checks represent, in trying to ensure suitable volunteers in sport and demonstrating that sport is acting responsibly.

Despite the legislative requirements, disclosure checks should only be one part of wider volunteer recruitment and it is another important management task to promote this. It is important to provide adequate and appropriate training to potential volunteers and to select on the basis of skills, qualities and commitment over and above the requirement for a disclosure. Some clubs have accepted almost anyone into volunteering because of personnel shortages. However, in order to ensure safe recruitment and retention of volunteers and secure effective volunteers, a wider approach is required than merely meeting legislative requirements in respect of disclosures.
CHAPTER 4: THE WIDER EFFECTS OF RECENT LEGISLATION

This chapter reviews the perceived wider effects of relevant legislation, particularly the Protection of Children (Scotland) Act 2003. Whilst the legislation in many people's minds centres on disclosure checks, they also show appreciation of its purpose and benefits, as well as some of the wider issues raised by the legislation.

4.1 Key agencies

Key agencies' interviewees were unanimous in claiming that legislation has brought child protection issues to the fore and has raised awareness - something reiterated by Child Protection Officers - see below. Equally, responses suggest further benefits of child protection legislation, i.e. the safeguarding of both children and volunteers, bringing peace of mind and ensuring that child protection is taken seriously in sport. It is also felt that the legislation is helping people to take ownership of their own protection, including both clubs and volunteers. A comprehensive knowledge of what is acceptable behaviour is important for all, not just clubs but also children and parents.

From an organisational perspective, child protection legislation has helped to tighten up procedures in sport, which was previously seen as an area where it was relatively easy for individuals to get access to children. The legislation has also provided clubs and organisations with information to assist them in selecting the right volunteers. However, disclosure checks alone are not a sufficient basis for volunteer recruitment and there are factors other than criminal records which may render someone unsuitable to work with children. Child protection legislation is seen as a step in the right direction by providing information to help make decisions. A strong child protection policy is seen by many clubs as a way of helping development and sending the right message to parents.

However, several key agencies' interviewees believe there is a lack of knowledge, at the local level, of the offences that preclude individuals from working with
children. Therefore, while the legislation sets out to provide clear guidelines for recruiting volunteers, there appears to be a lack of clarity at the level where such decisions are being made. Nevertheless, child protection legislation has made clubs think more clearly about the systems that they have in place. A degree of enthusiasm from clubs was reported by one key agency interviewee, who suggested that positive steps had been taken by many clubs even prior to attending child protection training.

The benefits of child protection legislation are only realised if there is support and willingness to undertake responsibilities at all levels. Some interviewees felt there was universal support for the need for child protection legislation regarding sports club volunteers. Others, while not denying that general support is present, questioned whether this support is universal. It was felt that the concept enjoys tacit support, however, there are issues concerning the implementation of child protection legislation. Some volunteers see it as a hurdle in the way of normal operating practices. This manifests itself in proclamations of support for child protection legislation but widespread apathy in terms of action. Thus, areas of disagreement with the legislation are not points of principle but rather of practice.

Echoing the views concerning universal support, it is felt that child protection is taken seriously at the national level, while there is disagreement about how seriously it is considered at a local level. For example, gymnastics clubs are required to have a Child Protection Coordinator, providing evidence that organisations are taking the issue seriously. However, it is likely that the level of commitment varies between clubs, depending on the skills of the individuals involved. Commitment is equally influenced by the approach taken by the governing body and by past experiences of abuse in their sport. The view was expressed that there are still a lot of clubs simply doing the bare minimum, with some struggling to get volunteers to take on Child Protection Officer roles. They have a difficult task because the club is a social network. It can be isolating to have the task of checking up on people and possibly making the difficult decision not to use them. The role requires sensitivity and support from within the club.
The need was raised for governing bodies to make the process easier for clubs and for greater communication of the reasons why child protection policies and disclosure checks are necessary. However, in the smaller governing bodies, the child protection support may be offered by a volunteer. Thus support from Child Protection in Sport Service (CHILDREN 1ST) to SGB officers is extremely valuable.

One key agency interviewee believed that the Protection of Children (Scotland) Act 2003 is very clear so everyone working with children is well aware of what is expected. However, the same interviewee sees very few benefits to the legislation, suggesting that it is misdirected. In the personal opinion of another key agency interviewee, the child protection legislation adopts a ‘stranger danger’ approach to protecting children, which is inconsistent with the fact that 83% of child abuse cases take place in the family home. Therefore, the child protection legislation has created a large administrative burden for clubs at a hugely disproportionate cost relative to the small proportion of instances it is intended to protect against.

There was also a strong perception of excessive bureaucracy associated with child protection. The requirements of child protection legislation were seen by some key agencies’ interviewees as diverting organisations from their core purpose, such as sport development. Therefore, an increasing burden is being placed on organisations at the same time as government is cutting the amount given to support core charitable activities. One interviewee suggested that there is a perception of being ‘bludgeoned’ by legislation and the associated bureaucratic requirements. Furthermore, volunteers (particularly those taking on board/committee roles) may be put off, not by child protection alone, but by a more general increase in bureaucracy. Another interviewee raised suspicions that child protection legislation may not be making children safer but rather is giving organisations a process to work to. The risk is that the current environment encourages the shuffling of pieces of paper rather than generating real effects.

There is a vast spectrum covered in the sports sector, ranging from clubs with a highly structured approach to informal gatherings of which no governing body is
aware. As such, there is a partiality of coverage of the legislation and it is impossible to claim that legislation is reaching all areas. Inconsistencies also exist in the approach taken by different clubs and organisations and while there are examples of good practice in some SGBs, there are still those which have not yet fully engaged with child protection and these gaps need to be identified in order to facilitate the direction of training and support.

4.2 Clubs

Out of the 52 club representatives surveyed, a large majority claimed to support child protection legislation and its requirements. Given a choice of four statements regarding child protection:

- 51% of the club representatives agreed with the statement that "It is essential to do it properly, as it protects children, although it involves work for our club";
- 39% agreed with the statement "It is a good idea in principle and it is a legal requirement, so we need to do our best to implement it in our club";
- just one of the club representatives agreed with the statement "It raises so many practical problems that it is too difficult for our club to implement it";
- 8% of club representatives agreed with the fourth statement "It is generally a good idea, but the practical problems of implementing it in our club mean we can't apply it completely".

The results from clubs have to be qualified by the selection of the sample by the SGBs, and self-selection within that sample, and thus the probability that they will have more active child protection policies. The conclusion from the 2001 survey (15): that most clubs operated with minimal staff, basic structures and minimal spending, is not likely to have altered radically.

When asked if the club had any other child protection measures, besides disclosure checks, the levels of take-up of such good practices were less consistent, as shown in Figure 4.1. The most appropriate benchmark for these figures is the levels of usage of such measures in the past. Unfortunately no evidence exists on this, so we don't know if child protection legislation has been a
catalyst for developing these other measures, or if they have been developed as part of a general move to more ‘professionalised’ clubs. However, it is likely that child protection legislation has encouraged a higher use of such measures in sports clubs than was previously the case.

Figure 4.1 Child protection measures in clubs

![Child protection measures in clubs](image)

Note: sample size = 52 clubs

In addition to the prompted measures identified in Figure 4.1, one club has a selection and assessment process for its coaches, whilst another club ensures that new volunteers work with existing volunteers for at least a year.

4.3 Child Protection Officers

The people best informed about child protection in clubs are Child Protection Officers - 15 were surveyed in the research. In response to an open question they identified five main types of benefits of the child protection legislation:

- Parents and volunteers feel safer, reassured. There is the sense of a 'safety net' in place.
- It has raised child protection in clubs' priorities. There is increased awareness generally of child protection.
There is now regulation and control in the form of disclosure checks.
There is now a code/framework, policies and procedures.
Clubs are better protected by having appropriate policies and procedures.

Interestingly, one club’s Child Protection Officer recalled that when, as a result of child protection processes, one coach was asked to leave, most of the other club coaches also left, in support of the departing coach (suggesting that they felt removing the coach was unnecessary). This "left the club in a dire position" but

"Due to the goodwill of the coaches left, parents and committee members and expert direction we have survived. But the child protection issue was paramount to what went on at this club and we are now operating a much better club".

Two Child Protection Officers were concerned at the loss of minor, but in their own way important, practices because of child protection legislation. One bemoaned the end of casual photographs of children competing. The other suggested that in the past people were asked at short notice to help out with junior coaching and mistakenly claimed that this cannot happen now due to the requirement for disclosure checks - in fact the legislation relates to ‘regular unsupervised access’ rather than assisting a disclosure checked coach on an occasional basis. Another warned of the emphasis being on implementing legislative requirements rather than implementing a proper selection process for volunteers. One blamed the media for creating a climate of fear with respect to child protection.

4.4 Active Schools Coordinators

There was unanimous support for the legislation from Active Schools Coordinators interviewed, with a number of benefits being raised - notably the protection of children and the development of a quality standard for those working with children. Five of the coordinators indicated that the disclosure requirements help to ensure that volunteers are suitable to work with children, helping to prevent the recruitment of people who would not be appropriate to work with children. One added the caveat that while the legislation rules out those convicted of certain criminal offences, it is not possible to be sure that someone is suitable before they actually start work. This implies that there is a need for a more fully rounded
recruitment procedure, rather than relying on disclosure checks. Another suggested that the knowledge that a person can be trusted is important, especially when they may be working alone because it is not possible for the Active Schools Coordinators to attend all activities.

A frequently cited benefit by Active Schools Coordinators was giving peace of mind and reassurance to parents. In line with this, one coordinator reported that parents are now more willing to send their children to sports activities because they know that those working with children have undergone disclosure checks. From a procedural perspective, it was felt by two of the coordinators that child protection legislation encourages clubs to have proper policies in place to protect all parties.

A majority of Active Schools Coordinators interviewed felt that there is universal support for child protection legislation in sport, with one claiming that 'all organisations recognise the need for the legislation' and another suggesting that 'everyone can see the benefits from it'. Three other coordinators, however, were not sure whether support for the legislation is universal, suggesting that some people understand why disclosure checks etc. are required but others fail to see the benefits, particularly if they are only wanting to get involved in volunteering at a very low level. Some coordinators questioned how seriously the legislation is taken, particularly at the local level. At the level of the local council, however, the legislation is taken seriously, with one coordinator reporting that council personnel are sent on courses and given regular updates on child protection issues.

Some coordinators also felt that child protection legislation is taken seriously at the local sports club level, in terms of having Child Protection Officers and ensuring all coaches/volunteers have a disclosure check. Two coordinators knew of local sports councils which were helping clubs to meet child protection requirements. However, other coordinators suggested that the legislation is not always taken as seriously at the club level. One felt that the legislation is taken more seriously by new clubs which are just setting up new policies and procedures. Another claimed that child
protection is handled effectively by larger clubs, while smaller clubs may not see it as so relevant, particularly where volunteers organising events already know all members and participants. Similarly, one coordinator suggested that the legislation is taken more seriously by the younger generation, while the older generation take it less seriously because they grew up with a different culture.

Resource constraints on clubs are also reported, with one coordinator suggesting that many clubs try to adhere to child protection legislation, however this may not always be possible. Echoing this, another coordinator felt that certain aspects of the legislation, such as the requirement to have two adults present when attaching a climbing harness to a child, are going too far and it is very difficult for small clubs to adhere to such regulations. Another issue is the turnover of coaches, requiring clubs to administer new disclosure checks. One coordinator reported a positive initiative where Active Schools are working with clubs to ensure they get disclosure checks for volunteers and claims that this has greatly helped the situation. Therefore, it appears that the seriousness with which child protection legislation is taken varies between different clubs. While it is acknowledged that progress has been made towards compliance, there is still room for further improvement.

The Active Schools Coordinators who were interviewed demonstrated a depth of understanding of good practice in child protection and volunteer recruitment. This is likely to be because they are in paid positions, unlike most of the child protection officers in sport, and also because they work closely with schools, where child protection is more of a standard practice.

### 4.5 Individual volunteers

Of the 744 current volunteers in the survey sample, 85% helped with children or young people. Two-thirds of current volunteers had been asked to complete a disclosure check. This may reflect the self-selected survey sample, largely in response to email prompting, which is likely to contain a higher proportion of those with informed views on child protection. The proportion of the sample with
Disclosure checks is considerably higher than the Cabinet Office 2006/7 survey findings for England, in which 18% of current volunteers had completed a check. The discrepancy may help to explain the very high levels of awareness claimed by the current volunteers in this project's research. Out of those surveyed:

- 93% agreed or strongly agreed that they are aware of their responsibilities with respect to child protection - less than two per cent disagreed. Respondents who had been volunteers for more than four years were significantly more likely (at the 95% confidence level) to strongly agree than those who had been volunteers for four years or less - possibly surprising given that the legislation has only been in effect for four years. Less surprisingly, volunteers who work with children or young people, management volunteers, and volunteers who had been asked to complete disclosure checks are also significantly more likely to strongly agree that they are aware of their responsibilities with respect to child protection.

- 91% are aware what disclosure checks involve, while less than four per cent indicated lack of awareness. Again respondents who had been volunteers for more than four years, volunteers who work with children or young people, and volunteers who had been asked to complete disclosure checks are all significantly more likely to strongly agree that they are aware what disclosure checks involve. Two other sub-samples are significantly more likely to agree - volunteer sports officials (referees, etc.) and females.

4.6 Changes in attitudes?

The approach taken by sportscotland is changing and instead of a pure encouragement strategy, leverage is now being exercised – ‘proper’ child protection processes are required as a condition of obtaining funding support. Although, as the discussion above shows, there is a difference between having a policy and commitment to making it work – especially as part of an improved, holistic volunteer recruitment and development package. SGBs now know that they should have correct child protection procedures in place. At a local level, West Dunbartonshire Council is launching a club scheme, of which child protection forms a part. This illustrates the commitment to child protection in some areas and the approaches taken to communicate its importance at the grassroots level.

Among the key agencies' interviewees, general consensus emerged that attitudes towards child protection legislation have changed over time. There is a perceived shift towards awareness and acceptance of the need for child protection.
procedures, as SGBs and clubs become familiar with them. Some interviewees reported that initial fears surrounding the bureaucratic burden, invasion of privacy and time commitments required, have been largely allayed. This is primarily as a result of greater understanding and information.

However, some of these concerns remain, particularly the bureaucratic burden. There is a growing realisation among volunteers of the importance of child protection and the need for disclosure checks, although it is still used as an excuse for not having enough volunteers, when in fact wider issues, both within the club and society in general, are more likely causes of the shortfall.

While acceptance has increased, child protection issues and the disclosure process are still seen by some as a chore and there remain examples of bad practice. A child protection system is only as good as the information that feeds it, thus a good level of awareness of child protection issues is required, along with a strong body of associated knowledge. In the view of at least one key agency interviewee, Scottish sport remains a long way from achieving this.

All the Active Schools Coordinators interviewed reported that attitudes towards child protection legislation have changed over time, with three suggesting that it has just become the accepted norm and part of what has to be done. Similarly, two coordinators suggested that child protection issues are seen as more important than in the past, with clubs putting policies and procedures in place to comply with legislation and individuals being more knowledgeable of the issues. One coordinator felt that people were initially scared by the legislation but that this has now abated.

However, four other coordinators claimed that people, particularly men, are now reluctant to take on voluntary roles working with children for fear of possible consequences of any actions - this is a downside to increased awareness. The legislation has also had other implications for the work carried out by Active Schools Coordinators, an example given by one coordinator was that parental consent forms are now used before any child is photographed.
4.7 Conclusions

There is general acceptance of the principle that child protection is necessary and yields definite benefits. Overall, checks have probably made children safer, but as much because of raising awareness of the issues as the checks themselves. Increasingly the norm is to have policies and procedures in place to deal with child protection issues, although in some organisations this is limited to disclosure checking. It is impossible to prove that these changes are due to legislation, because there is no way of knowing what would have happened without it; but it is highly likely to have been a catalyst in the development of child protection practices.

It appears that the seriousness with which child protection legislation is taken varies between different clubs and while it is acknowledged that progress has been made towards compliance, there is still room for further improvement. Even when club representatives show awareness of relevant issues and claim to have certain procedures, it is not possible without detailed case study work to identify if they are fully committed to child protection procedures, or are 'ticking boxes' and doing the minimum necessary. In the nature of the voluntary sector, clubs are highly autonomous and individualistic. Few are likely to disagree with the general principles of child protection. However, when it comes to implementing them, it is easier for full-time administrators and professional Active School Coordinators than it is for volunteers in the clubs, whose main priority is to play their sport.

A theme running through the problems identified with child protection legislation was the need for training and support at the SGB/club level, although this would be a further demand on volunteer time and resources. According to one key agency interviewee, ‘in child protection there is far more grey than black and white.’ On the one hand this suggests that local Child Protection Officers are in the best position to make a judgment on the suitability of volunteers at the club level. On the other hand, the Child Protection Officer role is challenging for a volunteer, who will probably be embedded in the social network of the club and would therefore probably welcome many of the tasks associated with this role being
taken at a higher level. However, if SGBs take a more active lead in child protection, it will still take more time and energy of volunteers in all but the largest SGBs. Nevertheless, clubs would benefit from information and support on how to translate general policy guidelines into working practices suited to their situation.
CHAPTER 5: POTENTIAL IMPACT OF FORTHCOMING LEGISLATION

Regarding the new legislation, the two most frequently cited changes from current procedure are the expansion of the legislation to cover vulnerable groups as well as children; and the creation of a central barring unit, with disclosures being transferable between organisations. The latter removes the need for multiple checks for an individual. Within the revised legislative structure there will be two lists, one concerning working with children and one for adults and the lists will be compatible with others across the UK. If the status of an individual changes, the organisations with which they are involved will then be informed, (although the practicality of this has yet to be tested). As such, one key agency interviewee believes that the system will be fairer and more consistent, meaning that someone on one list will not necessarily be cut out of other volunteering roles for which they may be acceptable.

5.1 Reactions to proposed changes

There was a general positive consensus that the transferability of disclosures would be a major benefit of the new system, speeding up the process of volunteer recruitment and reducing the burden of work associated with administering disclosure forms. Child Protection Officers surveyed for this research welcomed the proposed central register, which would prevent the need for multiple disclosure checks for the same person, thus saving time for both administrators and volunteers alike. However, they were concerned that the time frame for renewing an individual's disclosure check needed to be clear.

The majority of Active Schools Coordinators interviewed did not have any knowledge of the proposed changes to child protection legislation for 2009. Among the five who did, all acknowledged that under the new legislation individuals will only be required to get one disclosure check, which could then be checked by subsequent employers/organisations. Two suggested that the new system will allow disclosure checks to be updated, while one said that any
disclosure placed on the central system would be valid for a certain period of time. It was felt that this central register is a positive change as not only will it prevent the need for multiple disclosures, so reducing time and paperwork, it will also mean that organisations will have more up-to-date disclosure checks for their volunteers. However, one coordinator recognised that there will still be a grey area, whereby the check will only be as current as the information supplied - raising a concern about the time it might take to inform relevant clubs. Another also believes that, as with anything, there will be teething problems for the new system. However, the consensus of opinion was that the proposed legislative changes would be a positive step forward.

5.2 Concerns about proposed changes

Concerns were raised by one key agency interviewee that with the introduction of a central barring unit, clubs may feel that all decisions will be made for them, which will not actually be the case. Therefore, as with many issues raised throughout this report, there is a need to effectively communicate information about the new legislation to all stakeholders. Equally, another interviewee expressed the concern that clubs must not simply rely on transferred disclosure checks and must continue to go through proper recruitment procedures for volunteers. Such a view was echoed by a third interviewee, who believes that the new legislation will solve some problems, although it is important to remember that there are wider issues of volunteer recruitment and retention of which child protection is only a part. The new legislation will see the burden of work transferred from individuals to clubs/organisations, because instead of individuals obtaining disclosure checks for each role, organisations will need to check with the central register. It is important to ensure that those within clubs have the necessary skills to manage this process.

As mentioned above, the other key area of change with the new legislation concerns its extension to cover vulnerable adults as well as children. However, unlike the positive response to the transferable checks, questions were raised about the extended legislation, with one key agency interviewee suggesting that it
represents a muddying of the water in the absence of clear and consistent definitions of what is a child/vulnerable adult. They also expressed the fear of a hiatus between the current and new regimes, with a lack of guidance to organisations on how to manage this.

Finally, an issue currently neglected which will be addressed in new legislation is retrospective checking for existing volunteers. One of the key agencies' interviewees suggested that natural wastage could fill this gap in disclosure checking, although at the same time acknowledging that this does not overcome the issue of a longstanding volunteer with an inappropriate past offence. Some SGBs have already implemented retrospective checking for all volunteers working with children and young people. Furthermore, the results from the volunteers' survey suggest that there are no grounds to fear a backlash from longstanding volunteers if this element of the legislation were implemented. A large majority of volunteers acknowledge the need for, and the benefits of, child protection legislation, including disclosure checking, as shown in chapters 3 and 4.

There is no evidence that volunteers who started over four years ago (and therefore most likely to require retrospective checking) are less able to see the benefits of child protection. In fact the volunteers in the survey who have been with their clubs for over four years are significantly more likely to agree with positive statements about child protection and disclosure checking than volunteers with up to four years experience:

- 67% of more experienced volunteers strongly agree that they are aware of their responsibilities with respect to child protection; and
- 65% of more experienced volunteers strongly agree that they are aware of what disclosure checks involve.

However, more experienced volunteers are also significantly more likely to agree that disclosure checks discourage people from volunteering because of the paper work involved.
5.3 Conclusions

Whilst there are clearly positive elements to the new legislation, there is still work to be done and/or information to be circulated regarding, for example, the criteria for reporting individuals, where the bar will be set in terms of automatic bans and the implementation of the legislation in practice. The reported timescale for the introduction of the new legislation is tight and many organisations are not yet fully familiar with proposed changes. The introduction of a license scheme for those working with children was felt by one key agency interviewee to be a very positive step. However, questions were raised once again about its application in practice. Consequently there is a wide-ranging need for education and training, yet fears are raised as to the capacity of organisations such as CRBS, local authorities and the voluntary sector itself to provide this in time. The burden of training and re-training for each new wave of legislation was also highlighted as an area of concern.
CHAPTER 6: IMPACT OF RECOMMENDED GOOD PRACTICE

It is difficult to track the influence of sportscotland and CHILDREN 1ST best practice guidance down to the individual volunteer but there is likely to be a cascading down of this guidance via Scottish Sport Governing Bodies (SGBs) and clubs. In a general sense many of the positive features of chapters 3 and 4 are a testimony to the dissemination of good practice guidance.

Both the individuals and clubs surveyed in this research claimed high levels of satisfaction with the advice and information they had received about child protection:

- Two-thirds of current sports club volunteers agreed that they had had good advice on child protection from their clubs; 11% disagreed.
- 94% of clubs responded ‘yes’ when asked if they have sufficient information about child protection and disclosure checking; just two clubs responded ‘no’.

6.1 Sources of support

Over three-quarters of the 52 club representatives surveyed had seen best practice guidelines, from sportscotland and CHILDREN 1ST, on having a designated officer for child protection. Clearly this guidance has had considerable effect, because 86% of these clubs had such a designated officer in post. However, it is important to remember that this sample is probably biased in favour of the more active clubs in terms of child protection.

Figure 6.1 shows the sources for all the information that club representatives had on child protection and disclosure checking. It is likely that many SGBs refer clubs to the sportscotland and CHILDREN 1ST guidelines, although some SGBs will have developed their own specific guidelines.
Other information sources identified by individual clubs included Disclosure Scotland, an education authority, a local sports council, and Safer Scotland.

All but one of the Child Protection Officers surveyed felt that they had had support in implementing child protection legislation. However it is worth noting that most were selected for the survey by their SGBs and the sources of support comprised mainly of SGBs (but also included club committees and local authorities).

6.2 Other support needs

Although 80% of the Child Protection Officers valued the support they received, 57% also suggested that additional support would be useful. The nature of the required support focused mainly on the way support could be offered and included child protection forums, and SGBs' information and websites.

One Active Schools Coordinator claimed that there is not enough information given out about child protection legislation, which is acting as a barrier to its adoption. Similarly, a coordinator said that there is not enough support for clubs to
explain why the legislation is in place. Another felt that, while there is support, complying with legislation can be a big undertaking for some sports clubs, which may put people off from volunteering.

Some of the coordinators feel that they do not have sufficient knowledge of relevant offences, an issue for Active Schools managers. In fact, several coordinators feel that volunteers are also not aware which offences preclude a person from working with children and this may, therefore, mistakenly put people off from volunteering if they think that any offence will prevent them from taking on a voluntary role. The need was raised for further information for both coordinators and volunteers as to which offences prevent them from working with children.

It is important to acknowledge that many SGB officers responsible for helping clubs with child protection are themselves volunteers facing growing administrative pressures. One such officer suggested that the CHILDREN 1ST advice has been extremely valuable. Such support is important in giving SGBs the confidence to advise clubs, as is the SGB Lead Officers Group and associated workshops.

There are therefore somewhat conflicting views on the sufficiency of information which clubs and other relevant stakeholders have on child protection. Whilst evidence from the volunteers, clubs and Child Protection Officers suggests a good penetration of existing information and guidance in these constituencies, there are also a number of respondents identifying further need for information. Key agencies' interviewees were inclined to feel that the knowledge of child protection legislation across sport was patchy, and the adoption of best practice was even more inconsistent. The levels of awareness claimed by volunteers and clubs may be the consequence of sample bias in favour of those with more experience of disclosure procedures.

Therefore the objectives of informing sport about child protection and promoting best practice are compatible and require further sustained action from lead bodies such as sportscotland and CHILDREN 1ST. This is especially the case with new legislation about to take effect, as the previous chapter emphasised.
CHAPTER 7: CONCLUSIONS

The literature review for this study presents mixed evidence on the possible effects of child protection legislation on volunteers in sport - on the one hand there are warnings from organisations of a reduction in the number of volunteers and an increase in the administrative burden but on the other hand individuals seemed less concerned. However, the findings of previous research were either confined to sports clubs, or they were the views from general population surveys. Table 7.1 summarises these literature findings.

Table 7.1 Summary of literature evidence

<table>
<thead>
<tr>
<th>Sources</th>
<th>Positives</th>
<th>Negatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Literature</strong></td>
<td></td>
<td></td>
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<tr>
<td>Volunteer Development Scotland, 2006</td>
<td>Large majority of individuals agreed that disclosure would not put them off volunteering.</td>
<td>7% of current volunteers claimed that disclosure is a threat to their volunteering.</td>
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<td></td>
<td>Large majority claimed society has correct balance between safety and risk.</td>
<td>20% suggested society is too sensitive to risk.</td>
</tr>
<tr>
<td>Scottish Executive, 2006</td>
<td>Strong support from clubs for child protection in principle.</td>
<td>13% of clubs identify child protection issues as a problem - second only to insurance issues.</td>
</tr>
<tr>
<td>Scotland's Commissioner for Children &amp; Young People, 2007</td>
<td>Large majority of individuals would consider volunteering.</td>
<td>Just under half of individuals acknowledged 'fear of accusations of harming children' as a barrier to volunteering (the most commonly cited). 15% of individuals cited the bureaucracy of form filling as a barrier.</td>
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<td></td>
<td></td>
<td>For half of small organisations, disclosure process is deterring new volunteers. Volunteers put off by fear of risk in general. Specific groups might be disadvantaged by the disclosure process.</td>
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The current research is the first to investigate child protection issues by researching the views of a variety of relevant people specifically in sport. These included current sports volunteers, disengaged sports volunteers, potential sports volunteers, Child Protection Officers, and Active Schools Coordinators. In addition views were also sought from representatives of appropriate organisations, including sports clubs and key agencies.
7.1 Summary of this project’s research findings

This summary is structured by the four objectives identified for this project, i.e.:

- Explore the impact, both positive and negative, of legislation on those volunteering with children and young people (under 18 years) in sport in Scotland.
- Explore the impact, both positive and negative, of CHILDREN 1ST and sportscotland’s recommended good practice on those volunteering with children and young people in sport in Scotland.
- Determine whether the requirements for disclosure checking are discouraging potential and existing volunteers from volunteering with children and young people in sport.
- Determine whether any other issues relating to child protection actually stop potential new and existing volunteers from volunteering with children and young people in sport.

For each of these objectives we review the positive findings, negative findings, and remaining questions raised by the research.

The impacts of child protection legislation

Positives

- Most interviewees felt that there is almost universal support for the need for child protection legislation.
- Key agencies’ representatives and Child Protection Officers felt strongly that child protection legislation had brought child protection issues to the fore and raised awareness.
- Many interviewees felt that attitudes towards child protection had improved over time.
- 93% of sports club volunteers/members surveyed claimed to be aware of their child protection responsibilities.
- 91% of volunteers/members claimed to be aware of what disclosure checks involve.
- Three-quarters or more of volunteers/members agreed that disclosure checks give confidence that the club has met its legal requirements, boost parents’ confidence and are an important procedure to ensure children’s safety. Over 60% believe that checks help to remove unsuitable volunteers.
90% of club representatives interviewed agreed that child protection is either essential or they needed to do their best to implement it.

85% of clubs surveyed had a designated Child Protection Officer and 55% had a written child protection code of conduct (although this sample is probably biased in favour of clubs with more positive child protection measures).

Key agencies, Active School Coordinators and Child Protection Officer interviewees suggested the benefits from child protection legislation include helping to select the right volunteers; safeguarding children, volunteers and clubs; peace of mind for parents; encouragement of clubs and volunteers to take 'ownership' of child protection; and tighter procedures.

The second highest number of open comments, from sports clubs volunteers/members, were supportive of disclosure checks.

Majority of Child Protection Officers interviewed felt that child protection legislation has been beneficial in ruling out potential volunteers with criminal records.

In the 52 clubs surveyed, few disclosure checks had been undertaken - a median of two in the previous two years - and only one had had to make a decision over a positive disclosure outcome.

The median administration time taken to process a disclosure check was less than two hours for both clubs and volunteers.

It is likely that the new legislation on vulnerable groups will help to lessen two of the major practical problems, which are related, i.e. multiple disclosures and time-consuming administration.

**Negatives**

- Variation in disclosure management procedures between sports, NB who does what and who decides on positive disclosure outcomes. This may cause inconsistency in decisions relating to positive outcomes.

- The highest number of open comments from sports clubs volunteers/members were critical of the need for multiple disclosure checks. Two of the Child Protection Officers and many of the Active Schools Coordinators and key agencies interviewed echoed this concern. Several
pointed out that this adds to their already considerable administrative burden.

- Child Protection Officers' most common complaint about child protection legislation is that it is time-consuming. Some key agencies' interviewees suggested that there is a feeling of excessive bureaucracy associated with child protection, which is diverting organisations' energies away from their core purpose, sport provision and development.

- Five out of 52 clubs suggested that child protection legislation raises sufficient problems that it is not possible to implement it fully.

- One Child Protection Officer suggested that the disclosure processes caused awkward personal relationships, NB chasing potential volunteers for completed forms.

- Two Active Schools Coordinators worried that disclosure checks were only as good as the day on which they were carried out - organisations do not know if volunteers have subsequently offended.

- Key agencies' representatives are concerned that disclosure checks are getting all the attention, when wider child protection and recruitment methods are needed.

- Key agencies' representatives are concerned that the concentration on disclosure checks leads to a danger of neglect of reporting and referral procedures relating to child protection incidents.

- Key agencies and one of the Active Schools Coordinators are concerned with the lack of capacity in sports clubs to manage child protection issues and disclosure processes.

- Key agencies are concerned that at club level there is a lack of awareness of which offences preclude individuals from working with children.

- Key agencies are concerned that the disclosure process is inconsistent with the re-integration of ex-offenders back into society.

- Key agencies and some of the Active Schools Coordinators are concerned that widespread support for the principle of child protection is paralleled by
widespread apathy in terms of action; with a lot of clubs doing the bare minimum and struggling to get volunteers to take on the role of Child Protection Officer.

- One key agency interviewee suggests that child protection legislation promotes a 'stranger danger' mentality which is inconsistent with the fact that most child abuse occurs in the home.

- With respect to the new legislation on vulnerable groups, a number of interviewees raised a number of concerns, including the danger that clubs will feel all decisions will be made for them; a hiatus between the old and new legislation; and the need for more training, information and support.

Questions

- Whether size of club matters, i.e. do large clubs have better capacity for dealing with child protection issues?
- What offences lead to exclusion?
- What can volunteers do whilst waiting for the results of disclosure checks?

The impact of CHILDREN 1ST and sportscotland’s recommended good practice

Positives

- Guidance from CHILDREN 1ST and sportscotland is likely to have cascaded down via SGBs to clubs.
- Two-thirds of current sports clubs volunteers agreed that they had good advice on child protection from their clubs.
- 94% of the 52 clubs surveyed stated they had sufficient information about child protection and disclosure checking.
- Three-quarters of clubs had seen the best practice guidelines on having a designated officer for child protection, from CHILDREN 1ST /sportscotland.
- Half the clubs surveyed received information on child protection from their SGBs. Half received information from either CHILDREN 1ST or sportscotland.
80% of Child Protection Officers interviewed valued the support they had received for child protection.

**Negatives**
- 11% of current sports clubs volunteers disagreed that they had good advice on child protection from their clubs.
- 57% of Child Protection Officers interviewed would like more support, e.g. via forums and websites.
- Two Child Protection Officers suggested there was not enough support.
- Further information needs were identified - see below.

**Questions**
- How can further support be organised for Child Protection Officers?

**Are the requirements for disclosure checking discouraging potential and existing volunteers?**

**Positives**
- Disclosure checks were 11th out of 14 threats to volunteering for the current volunteers surveyed; last of the 14 possible reasons for stopping volunteering for disengaged volunteers surveyed; and 12th out of 14 possible reasons for potential volunteers not offering to volunteer.
- Very small percentages of current, disengaged and potential volunteers rated disclosure checks as very important threats/barriers - 7%, 3%, and 4% respectively.
- 71% of the 52 club representatives disagreed that disclosure checks put off volunteers from coming forward.
- Most key agencies thought that there was little evidence of child protection legislation deterring potential volunteers.
- Two Active Schools Coordinators believe that if someone really wants to volunteer with children, they will be prepared to undertake a disclosure
check.

- Only one research respondent suggested that potential volunteers are deterred from volunteering by the threat of false accusations. This compares with 48% of those interviewed in a national survey (6). This comparison implies that sport is a less threatening environment than others in which to volunteer.

**Negatives**

- Just under 15% of current volunteers rate disclosure checks as either fairly or very important as threats to their continued volunteering. Equivalent figures for disengaged and potential volunteers are 5% and 12%.
- 10% of club representatives agreed that disclosure checks had prevented volunteers from coming forward.
- 65% of volunteers and members in sports clubs agree that disclosure checks discourage volunteering because a new check is needed for each new organisation volunteered for.
- According to Child Protection Officers, Active Schools Coordinators and one key agency interviewed, the long administration time for disclosure checks is off-putting to potential volunteers. An error rate on disclosure forms of about 25% does not help. Two Active Schools Coordinators felt that disclosure checks slowed down the recruitment of volunteers.
- One Child Protection Officer suggested that recruiters of volunteers are hesitant to present willing helpers with the disclosure process.
- Four Active Schools Coordinators felt that multiple disclosure check requirements are off-putting to potential volunteers.
- Some Active Schools Coordinators felt that the physical requirement of completing a disclosure form is off-putting to some potential volunteers - NB literacy problems; and problems of having many addresses.
- One Active Schools Coordinator felt that the increased awareness of child protection issues had a consequence that people, particularly males, are more reluctant to take on voluntary roles working with children.
• Two Active Schools Coordinators felt that some people with criminal records may avoid volunteering because they assume that any criminal offence precludes them from working with children.

• Key agencies' interviewees are concerned that at club level there are risk averse, indiscriminate decisions - rejecting any potential volunteers with criminal convictions.

Are any other issues relating to child protection stopping potential new and existing volunteers from volunteering?

The research did not reveal other issues - the main concerns are related to disclosure checks.

7.2 Conclusions from the evidence

The findings of the current research challenge the idea that disclosure checks represent widespread threats and barriers to volunteers. Other threats/barriers are important to many more individuals than disclosure checks. Whilst there are clearly practical problems with the implementation of the current legislation, particularly the need for multiple disclosure checks, there is also very widespread support in principle for both child protection generally and the need for disclosure checks specifically.

The majority support for child protection and disclosure checks, combined with the relatively small number of checks which result in a decision having to be made regarding a volunteer, suggest that child protection measures are not major threats to the scale of volunteering nationally. Rather, they are threats to a minority of 10% or less of individual volunteers. However, a proviso to this conclusion is that the very small number of disclosures that require a decision, in relation to the percentage of the general population with a criminal record, implies that potential volunteers might be deterred by the existence of the checks.
7.3 Recommendations

The majority support for child protection is no reason for complacency about the need to deal with practical problems, or the need to continue to promote both the rationale for, and best practice in, child protection. The new legislation will create the need for further training and information dissemination.

Further information/advice needs

The research has revealed a number of issues on which there is lack of clarity at best and confusion at worst. These are as follows and there needs to be information from sportscotland and CHILDREN 1ST to clarify them.

- What offences are relevant? For potential (and some existing) volunteers there is a need to present this positively - NB a whole range of offences which are irrelevant to working with children and young people.
- What happens with prospective volunteers during the time their disclosure checks are being processed? It needs to be made clear that assisting other approved volunteers is acceptable.
- Which checks, standard or enhanced, are required for which volunteer roles?
- Who needs to have disclosure checks, by law and by good practice? NB volunteers working occasionally with children? parents driving their own and other children to competitions? people helping out at short notice?
- What is the recommended procedure for making a decision in relation to a positive disclosure outcome?
- What is the duty to report concerns/allegations/incidents to the Scottish government?
- What procedure is required when photographs are requested of children at clubs?
- What will the central barring unit do and not do?
- Where will the bar be set in terms of automatic bans?
- What will the time-frame be for renewing individuals' disclosure checks?
- How will clubs get to hear from the central barring unit if a relevant offence is committed by one of their volunteers?
- What are the definitions of children and young people, and vulnerable
Clear guidance

The practical implications of child protection legislation are unclear at all levels of sports administration. Actions detrimental to volunteering; such as potential volunteers being prevented from coming forward and disclosures being requested unnecessarily; arise from misinterpretations. Misinterpretations in the media could also discourage volunteering.

Thus, a clear guide (a ‘legislation made simple’) to the implications of the legislation for volunteers in sport, with a set of FAQs, is required. This could be produced in partnership with CHILDREN 1ST and the other home nations’ sports councils. It should be piloted with a set of club Child Protection Officers and club volunteers. Key characteristics are that it is succinct, easy to read and is clearly going to help its target audience do what they want to do better. It is best to wait until the implications of the new legislation are clear, to avoid having to revise the guide.

This guidance should be produced in the form of a leaflet that can be given by clubs to any potential volunteers. If sport’s issues are the same as volunteers generally, then ideally there is need for one general guidance leaflet. However, if sport has different issues to other parts of the voluntary sector, then sport-specific guidance is necessary.

As well as the basic guide to the implications of the legislation for volunteers, a clear ‘how to do it’ guide needs to be produced for Child Protection Officers in clubs and SGBs. This is to make it as easy as possible for Child Protection Officers to do their work.

Support with extra administration arising from the legislation

Sport now operates in a tighter administrative framework than in the past, which places an increased administrative burden on clubs. Whilst this offers the
opportunity for new volunteers with different skills to become involved in clubs, it may be a problem for clubs with a limited administrative capacity and there may be the need for existing volunteers to take on an additional administrative child protection role. *sportscotland* have made funding to SGBs conditional on implementing child protection policies. It is only reasonable that these legislative requirements and conditions are accompanied by additional resources to help organisations meet them. This is especially the case when much of the work is done by volunteers.

Thus we recommend that additional funding is channelled through *sportscotland* to employ staff to support the implementation of the legislation. The remit of these staff should be to advise generally on volunteer recruitment and support, good practice in working with children, but also specifically to support implementation of child protection legislation. This funding should be distributed to the umbrella organisations that presently support the sports clubs in proportion to the support they give. This will include SGBs and local sports councils. This recommendation is contingent on improvements in guidance being implemented, as suggested above.

Support for clubs needs to include help in succession planning for Child Protection Officer posts, which the research evidence suggests are, or may become, difficult to fill. If the fear expressed earlier is correct - about the lack of capacity at club level to cope fully with child protection responsibilities - then even excellent support from SGBs will not be sufficient. More specific support may be needed.

*sportscotland* should advise SGBs on the most effective way they can offer a combined umbrella disclosure check service. Large SGBs will be able to offer their own but smaller ones will need to combine.

**Models of good practice**

Clubs and SGBs that have successfully incorporated meeting the requirements of child protection legislation into a broader approach of developing good practice working with children should be presented as case studies on the *sportscotland*
and CHILDREN 1ST/Child Protection in Sport websites. These should include the full range of size of club and SGB, so others can see what it is practical for a club or SGB of their own size to do.

**Promotion and public relations**

Despite the positive findings of the primary research, there is a suspicion among key stakeholders that a great many clubs, whilst fine with the principle of child protection, are doing the minimum to implement it – often due to a lack of capacity. For those less enthusiastic clubs and for the vocal minority of dissenters, it is necessary for sustained public relations and promotional effort, as well as support and guidance, to attempt to win them over.

Promotional efforts, however, should not be purely defensive, for the slow adopters and minority of dissenters. It also needs to be positive, selling the advantages of best practice to clubs, volunteers, parents and children and young people. Child protection legislation needs to be seen by clubs and potential volunteers as a platform for establishing more holistic child protection practices, emphasising the positive development through training, rather than presenting it as merely an administrative necessity associated with legislative requirements.

Education and awareness raising will be vital in helping to ensure that forthcoming changes in child protection legislation are successful. Promotional efforts need to broadcast the fact that disclosure checking is getting easier; but also warn that the new process does not mean that clubs are going to be relieved of important decisions and procedures.

There are perceptions of a change of attitudes to child protection within sport, from the initial fears of many, to current acknowledgment of the need to adopt acceptable practices. As this change of views continues, it is not too ambitious to expect that child protection will move away from being seen as a threat to volunteering; and towards being viewed as an opportunity for sport to adapt to the concerns of a more risk-conscious society.
7.4. Further research needs

Whilst the current research has reached firm conclusions and recommendations, it is inevitable that a study of this type reveals potentially useful further research. These include the following.

Case studies of clubs could examine the practical difficulties faced by clubs in implementing disclosure checks and the work of Child Protection Officers. These would contribute to the models of good practice and include clubs where the new guidance material was being piloted, to monitor its effectiveness.

The work of SGB officers who give support to Child Protection Officers is worthy of research, because many of these are volunteers themselves. What is the main support they give, and what support would they like in turn, and from where? Are there enough Child Protection Officers? How can they best be supported? If sportscotland is reluctant to move forward with the administrative support recommendation above, this research would inform a prudent allocation of resources.

Monitoring of the number of disclosure checks that are undertaken for sports clubs by umbrella organisations; the proportion of these in which a decision has to be made on the suitability of the volunteer; and the proportion of these in which the volunteer is judged to be unsuitable. Collecting this information annually will indicate the extent to which people might be being discouraged from volunteering. It will inform any additional financial support for officers providing this service and the best way of linking clubs to umbrella organisations – SGBs or local sports councils. It will be much easier to collect this information if the disclosure checks are supported by professional officers than if the provision of this information is yet another extra administrative burden on volunteers.
REFERENCES

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   http://www.volunteering.org.uk/WhatWeDo/Projects+and+initiatives/volunteeringandriskmanagement/Risk+Toolkit/
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   accessed 24/3/08

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   www.sportscotland.org.uk/pages/download.aspx?id=%7BA954E484-789C-4E18-8FB2-68728615D64C%7D
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accessed 24/3/08

accessed 24/3/08

accessed 24/3/08


accessed 4/07


APPENDIX 1: ORGANISATIONS

**sportscotland** is the national agency for sport in Scotland with the aim of increasing participation and improving performance.  
http://www.sportscotland.org.uk/

**Scottish Sports Association (SSA)** is the independent voice of sports governing bodies in Scotland.  http://www.scottishsportsassociation.org.uk/

**Scottish governing bodies of sport (SGBs)** exist to provide a formal structure for amateur and professional sports clubs in Scotland. They have a duty to promote their sport, develop coaching resources and provide competitive opportunities at all levels.  

The **Scottish Association of Local Sports Councils (SALSC)** leads the way in promoting interest and participation in sport at local level with the support of a host of member local Sports Councils and other agencies located throughout the length and breadth of Scotland.  http://www.salsc.org.uk/

**CHILDREN 1st** (the Royal Scottish Society for Prevention of Cruelty to Children) has a mission to give every child in Scotland a safe and secure childhood.  
http://www.children1st.org.uk/

**Child Protection in Sport Service (CPiS)** is a partnership between CHILDREN 1ST and sportscotland which helps sporting organisations put safeguards in place to keep children and young people safe. They provide advice, consultancy and training on the development and implementation of child protection policies and procedures.  http://www.childprotectioninsport.org.uk/

**Volunteer Development Scotland (VDS)** is Scotland’s Centre for Excellence in volunteer development and provides a point of contact for all volunteering matters, encouraging and supporting best practice.  http://www.vds.org.uk/

**Central Registered Body in Scotland (CRBS)** is a service operated by Volunteer Development Scotland which is the national clearing house for free disclosures for volunteers in the voluntary sector in Scotland.  http://www.crbs.org.uk/

**Scottish Council for Voluntary Organisations (SCVO)** is the national body which represents some 45,000 voluntary organisations in Scotland.  

**Scotland’s Commissioner for Children and Young People (SCCYP)** (Kathleen Marshall) is responsible for meeting Scotland’s responsibilities to promote and safeguard the rights of children and young people living in Scotland under the United Nations Convention of the Rights of the Child.  http://www.sccyp.org.uk/

**Active Schools** is a term given to all schools in Scotland that provide pupils with sufficient opportunities to get active to the extent that it makes a positive
contribution to their health. Instrumental to delivering Active Schools is the
development of a staffing network of 630 Co-ordinators and 32 Managers.
Active+Schools+Network/Active+Schools+Network.htm

**Disclosure Scotland** manages and operates the Disclosure Service in Scotland
on behalf of the Scottish Government and is responsible for planning, managing
and operating the new central and barring service as provided in the Protection of

**Volunteer Centre Network Scotland**, made up of 32 Volunteer Centres  aims to
create a to create a Scotland where everyone who wants to volunteer can do so.
http://www.volunteerscotland.org.uk/default.aspx
APPENDIX 2: SPORTS INVOLVED

Which sport are you involved with (main sport)?

<table>
<thead>
<tr>
<th>Sport</th>
<th>Online Survey</th>
<th>Club Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletics</td>
<td>73</td>
<td>9</td>
</tr>
<tr>
<td>Badminton</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Basketball</td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td>Cricket</td>
<td>7</td>
<td>-</td>
</tr>
<tr>
<td>Curling</td>
<td>12</td>
<td>-</td>
</tr>
<tr>
<td>Cycling</td>
<td>31</td>
<td>-</td>
</tr>
<tr>
<td>Disability Sport</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Equestrian</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Football</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Golf</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>Gymnastics</td>
<td>8</td>
<td>-</td>
</tr>
<tr>
<td>Hockey</td>
<td>50</td>
<td>2</td>
</tr>
<tr>
<td>Judo</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Karate</td>
<td>30</td>
<td>2</td>
</tr>
<tr>
<td>Mountaineering</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>Netball</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Orienteering</td>
<td>35</td>
<td>-</td>
</tr>
<tr>
<td>Rowing</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Rugby</td>
<td>242</td>
<td>3</td>
</tr>
<tr>
<td>Sailing</td>
<td>46</td>
<td>4</td>
</tr>
<tr>
<td>Shinty</td>
<td>25</td>
<td>4</td>
</tr>
<tr>
<td>Snowsports</td>
<td>21</td>
<td>1</td>
</tr>
<tr>
<td>Squash</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Swimming</td>
<td>125</td>
<td>6</td>
</tr>
<tr>
<td>Table Tennis</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Tennis</td>
<td>42</td>
<td>3</td>
</tr>
<tr>
<td>Volleyball</td>
<td>8</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>140</td>
<td>-</td>
</tr>
<tr>
<td>Not specified</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>979</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>
APPENDIX 3: RESEARCH INSTRUMENTS

INTERVIEW QUESTIONS FOR KEY AGENCIES

1. Clarify role of interviewee and basis of interviewee's understanding of child protection legislation and volunteering.

[In the course of asking the following questions, check that our understanding of the disclosure process is correct, but don't go through it in detail with interviewees.]

2. What have been the benefits of child protection legislation in practice? NB
   a) Has it been beneficial in ruling out potential volunteers who have criminal records?
   b) Is there evidence of this – ie number of positive disclosures?
   c) Is there any indication of the number of people who have not put themselves forward for volunteering because they have a criminal record which would have prevented them volunteering?

3. What are the main problems with the current child protection legislation? Is there any chance that it may have reduced the number of volunteers? Prompts:
   a) Are potential volunteers deterred by the need to have a CRB check?
   b) Are potential volunteers deterred by the process of the check – i.e. inability to produce the forms (young people, recent immigrants, people who have recently changed address), or put off by the physical process of producing the forms?
   c) Is there a perception by volunteers of invasion of privacy/lack of trust? e.g. is the long-standing volunteer insulted by being required to do this check?
   d) Is there a lack of capacity at club level to manage the checking process?
   e) Does it involve too much bureaucracy at local and national levels, slowing down or stopping volunteer recruitment generally?
   f) Does the level of organisation taking the decisions to stop volunteers mean more people are prevented from volunteering? e.g. are national decisions more exclusive than local decisions?
   g) At the local level, is it clear and consistent which offences preclude people from doing which jobs?
   h) Is the implementation of the legislation too indiscriminate? i.e. is there a danger of anyone with a criminal record being rejected? If a potential volunteer proves to have an offending record which prevents them working with children but does not prevent them doing other jobs for the club, how is this handled? Is it handled in a way that will still allow the person to volunteer?
   i) At club or SGB level, is there an unwillingness to use discretion once a disclosure check has come through?

4. What other problems has child protection caused for volunteering? Prompts:
   j) Is there a concern, at club or SGB level, that there is a lack of more precise guidance on how to use discretion?
   k) Does child protection prevent or reduce 'hosting' arrangements for child competitors at events?
5. What is your knowledge of proposed legislative changes for 2009?

6. And what is your reaction to proposed legislative changes for 2009? Will it reduce problems?

*If there is time, go to more general questions:*

7. Is there universal support for the need for child protection legislation regarding sports club volunteers?

8. How seriously is child protection legislation taken at national and local levels?  
*Prompt:* One extreme is the appointment of child protection officers, policies, training, and embedding disclosure procedures and volunteer training into systems. The other extreme is to carry on as before and only implement disclosure procedures partially or 'do the bare minimum necessary'.

9. Have attitudes to child protection legislation changed over time?  
*Prompt:* e.g. initial support in principle but later, when experienced, raise objections; or alternatively, initial fear of implications but later, when used to the processes, they become part of normal practice.

10. What differences, if any, have there been in the effects of child protection legislation between national bodies (e.g. SGBs) and local organisations (e.g. clubs)?
CLUB VOLUNTEERS AND MEMBERS QUESTIONNAIRE

This survey is to find out how you feel about child protection legislation and disclosure checks of volunteers. It is being conducted by the Sport Industry Research Centre at Sheffield Hallam University, for sportscotland and Children 1st. It is very important that sportscotland have your opinions because child protection legislation is being changed and the views of club members and volunteers are vital to ensure the changes are appropriate. As an incentive to take part in the research, sportscotland will enter completed surveys into a prize draw offering one lucky club £200 of sports equipment. We do not ask for your name or contact details and all your responses will be treated as confidential so please answer as honestly as you can. Most questions require you to cross boxes from lists, write in boxes or express opinions in the spaces provided. If you are happy to proceed, thank you for agreeing to help.

1a. Name of your sports club .................................................................
1b. Sport(s) at club: prompt list of athletics, badminton, basketball, boxing, cricket, curling, cycling, disability sport, equestrian, football, golf, gymnastics, hockey, ice sports, judo, karate, mountaineering, netball, orienteering, rowing, rugby union, sailing/yachting, canamachd/shinty, skiing/snowboarding, squash, swimming, table tennis, tennis, volleyball, other (please specify)

2. Are you a parent/guardian of a child/young person (under 18) who participates at this or another club? Y N

3a. Are you currently a volunteer with this or any other sports club? A volunteer is defined as helping the club and receiving either no remuneration or only expenses Y N

If yes, please go to Q4

3b If no, were you a volunteer at this or any other sports club in the past? Y N

If yes, please go to Q10
If no, please go to Q11

[For current volunteers]

4. For approximately how many years have you been a volunteer at this club?..............

5a. As a volunteer at this club, do you help with children or young people (under 18 years)? Y N

If no, please go to Q7

5b. If yes, do you help with children or young people in any of the following roles? (Please mark the roles you help with)
Management and administration Coaching Supervising and leading Officiating Providing transport
Other (please specify).................................................................
6. For approximately how many years have you been helping with children or young people? ............

7. As a volunteer at this club, have you been asked to complete a Disclosure Check? Y N

8. Please indicate your level of agreement with each of the following statements by ticking the appropriate box in each row

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Neither Agree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am aware of my responsibilities with respect to Child Protection</td>
<td>5</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>I am aware what Disclosure Checks involve</td>
<td>5</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>I have had good advice on Child Protection</td>
<td>5</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

9. Please indicate how important the following factors are as threats to your continuing to volunteer at the club? (Please mark one box in each row)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Very important</th>
<th>Fairly important</th>
<th>Neither important nor unimportant</th>
<th>Fairly unimportant</th>
<th>Very unimportant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Starting a family</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demands of paid job</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not enough time to spare</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I do not fit in with other people involved</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do not have the right skills/experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any reason involving money</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>My efforts as a volunteer are not appreciated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I am too old</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family/partner complained about it</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Too formal/too much paperwork</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement for disclosure check</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prefer just to play sport</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The club is too disorganised</td>
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<tr>
<td>My children are no longer with the club</td>
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</table>

9a. Please indicate any other very important factor(s) that threaten your volunteering

........................................................................................................................................

Please go to Q13
### [For disengaged volunteers]

10. Please indicate how important the following factors were as reasons for you stopping volunteering? *(Please mark one box in each row)*

<table>
<thead>
<tr>
<th>Reason</th>
<th>Very important</th>
<th>Fairly important</th>
<th>Neither important nor unimportant</th>
<th>Fairly unimportant</th>
<th>Very unimportant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Starting a family</td>
<td></td>
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<tr>
<td>Demands of paid job</td>
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<tr>
<td>Not enough time to spare</td>
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<tr>
<td>I did not fit in with the other people involved</td>
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<tr>
<td>Did not have the right skills/experience</td>
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<tr>
<td>Any reason involving money</td>
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<tr>
<td>My efforts as a volunteer were not appreciated</td>
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<td>I was too old</td>
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<tr>
<td>Family/partner complained about it</td>
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<tr>
<td>Too formal/too much paperwork</td>
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<tr>
<td>Requirement for disclosure check</td>
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<tr>
<td>Preferred just to play sport</td>
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<td>My children no longer with the club</td>
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</tbody>
</table>

10a. Please indicate any other very important factor(s) that stopped you volunteering

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Please go to Q13

### [For members and potential volunteers]

11. Please indicate how important the following factors are as barriers to you offering to volunteer? *(Please mark one box in each row)*

<table>
<thead>
<tr>
<th>Reason</th>
<th>Very important</th>
<th>Fairly important</th>
<th>Neither important nor unimportant</th>
<th>Fairly unimportant</th>
<th>Very unimportant</th>
</tr>
</thead>
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<tr>
<td>Starting a family</td>
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<td>Do not have the right skills/experience</td>
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<tr>
<td>Any reason involving money</td>
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<tr>
<td>My efforts as a volunteer are not appreciated</td>
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<tr>
<td>I am too old</td>
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<tr>
<td>Family/partner complained about it</td>
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<tr>
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</tbody>
</table>

11a. Please indicate any other very important barrier(s) to you offering to volunteer

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12. Have you considered volunteering at a sports club but the prospect of having to have a disclosure check has prevented you from doing so?  

Y N
[For all]

13. Please indicate your level of agreement with each of the following statements about disclosure checks

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>They give me confidence that the club has met its legal requirements</td>
<td></td>
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<tr>
<td>They are an important procedure in ensuring the safety of children</td>
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<tr>
<td>They help to remove unsuitable volunteers</td>
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<tr>
<td>They help to give children and young people confidence in volunteers</td>
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<tr>
<td>They help to give parents confidence in volunteers</td>
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<tr>
<td>They discourage people from volunteering because of the private details they require</td>
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<tr>
<td>They discourage people from volunteering because of the paper work involved</td>
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<tr>
<td>They discourage volunteers because they need a new check for each new organisation</td>
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</tbody>
</table>

14. If you have any further general or specific comments, positive or negative, to make about Child Protection and disclosure checks, please write them here.
.............................................................................................................................

About you
To help us identify responses from different types of people, please answer the questions in this section:

15. How many years have you been a member of, or associated with, this club?
..................

16. Gender: Male Female

17. Age: 16-24 25-34 35-44 45-54 55-64 65+

18. Employment status: In full-time employment In part-time employment Unemployed Retired In full-time education Other employment status

Thank you for taking the time to help with this important research
CLUB SURVEY

Please complete the questions below by typing in the shaded areas, checking the appropriate boxes or selecting an answer from the drop-down menus as appropriate.

1. Club Name:

2. Sport:

3. What is your role within your club?
   If other, please state:

4. How many adult members [18 and over] are there in your club?

5. How many junior members [under 18] are there in your club?

6. Does your club have a designated officer to deal with child protection?

7. Have you seen the best practice guidelines on having a designated officer from sportscotland and Children 1st?

8. In the past 2 years how many disclosure checks have you asked for?

9. In the past 2 years how many of the disclosure checks you have asked to be made have produced results that meant that:
   a) you could not use a volunteer as the applicant was automatically excluded from working with children.
   b) a decision had to be made about the suitability of the applicant – either by your club or by the sport's Governing Body.

10. In the cases in which you had to make a decision about the applicant, how many did you prevent from volunteering?  
    Check here if not applicable □

11. In the past 2 years how many potential volunteers that you have asked to take a disclosure check have not actually taken it, for whatever reason?

12. Has the need to have a disclosure check deterred potential new volunteers from coming forward, so the number of people volunteering has been reduced?

13. Once a potential volunteer has made them self known to the club and been told that they need to have a disclosure check, has this been an additional barrier to them becoming a volunteer?

14. Please indicate your overall views on how complying with child protection legislation affects your club, by ticking one of the following that you most agree with.
a) It is essential to do it properly, as it protects children, although it involves work for our club.

b) It is a good idea in principle, and it is a legal requirement, so we need to do our best to implement it in our club.

c) It is generally a good idea, but the practical problems of implementing it in our club mean we can’t apply it completely.

d) It raises so many practical problems that it is too difficult for our club to implement it.

15. Apart from disclosures, does your club use any other child protection measures or recruitment practices which might help child protection? Please select all that apply.

- Written code of conduct for working with juniors
- References, informal or formal, for new volunteers
- Disciplinary measures
- Training for working with children
- Interviewing potential volunteers
- Other

If "other" please specify:

Only answer questions 16 - 20 if you act as the Child Protection Officer/Coordinator for your club.

16. How much time does it take for you to process the average disclosure check, i.e. the actual time it is worked on, including all parts of the process?

17. How much time does it take for the average volunteer to complete the disclosure form?

18. Where has the information you have on child protection and disclosure checking come from? Please select all that apply.

- Scottish sport governing body
- Children 1st
- Sportscotland
- Volunteer centre
- Local government development officers
- Other

If "other" please specify:

19. a) Do you have sufficient information about child protection and disclosure checking?

b) If no, what aspects of Child Protection and disclosure checking would you like more information on?

Please save your completed questionnaire and e-mail it back to us (G.Hart@shu.ac.uk). If
you have any questions, please feel free to contact me by e-mail or by phone 0114 225 2535.

Thank you very much for your help with this survey
CHILD PROTECTION OFFICERS' SURVEY

Please complete the questions below by typing in the shaded areas, checking the appropriate boxes or selecting an answer from the drop-down menus as appropriate.

1. Club Name:

2. Sport:

3. How many adult members [18 and over] are there in your club?

4. How many junior members [under 18] are there in your club?

5. Where has the information you have on child protection and disclosure checking come from? Please select all that apply.
   - Scottish sport governing body
   - Children 1st
   - Volunteer centre
   - Local government development officers
   - sportscotland
   - Other
   If "other" please specify:

6. Do you have sufficient information about child protection and disclosure checking?

7. If you do not – what aspects of Child Protection and disclosure checking would you like more information on?

8. Apart from disclosures, does your club use any other child protection measures or recruitment practices which might help child protection? Please select all that apply.
   - Written code of conduct for working with juniors
   - References, informal or formal, for new volunteers
   - Disciplinary measures
   - Training for working with children
   - Interviewing potential volunteers
   - Other
   If "other" please specify:

9. What have been the main benefits of the implementation of Child Protection legislation?

10.a) What have been disadvantages of the implementation of Child Protection legislation?
10.b) Why have there been these disadvantages?

11. As a club child protection officer, what problems have you had to overcome in implementing the legislation?

12. How much time does it take for you to process the average CRB check, i.e. the actual time it is worked on, including all parts of the process?

13. How much time does it take for the average volunteer to complete the disclosure form?

14.a) Do you receive any support in implementing the Child Protection legislation?

14.b) If yes, from whom do you receive this support?

14.c) Is this support valuable?

15.a) Would additional support on Child Protection be useful?

15.b) If yes, what would it help you with and how could it be provided?

16. The main aspects of new legislation proposed to be introduced in 2008 are:
   • A volunteer will only have to make one disclosure to get their name on a central register. So they will not need to do a separate check for each organisation they volunteer for. If someone has already had to make a disclosure for paid employment, they will not have to make a separate one for volunteering.
   • Similar checks will be required for working with vulnerable adults.
   • Retrospective disclosure may be required – so all volunteers will have to go through the process.

What are your views on these changes?

Please save your completed questionnaire and e-mail it back to us (G.Hart@shu.ac.uk). If you have any questions, please feel free to contact me by e-mail or by phone 0114 225 2535.

Thank you very much for your help with this survey.
INTERVIEW QUESTIONS FOR ACTIVE SCHOOLS COORDINATORS

1. Clarify role of interviewee and basis of interviewee's understanding of child protection legislation and volunteering.

2. What have been the benefits of child protection legislation in practice? NB
   a) Has it been beneficial in ruling out potential volunteers who have criminal records?
   b) Is there evidence of this – ie number of positive disclosures?
   c) Is there any indication of the number of people who have not put themselves forward for volunteering because they have a criminal record which would have prevented them volunteering?

3. What are the main problems with the current child protection legislation? Is there any chance that it may have reduced the number of volunteers? Prompts:
   a) Are potential volunteers deterred by the need to have a CRB check?
   b) Are potential volunteers deterred by the process of the check – i.e. inability to produce the forms (young people, recent immigrants, people who have recently changed address), or put off by the physical process of producing the forms?
   c) Is there a perception by volunteers of invasion of privacy/lack of trust? e.g. is the long-standing volunteer insulted by being required to do this check?
   d) Is there a lack of capacity at school level to manage the checking process?
   e) Does it involve too much bureaucracy at local and national levels, slowing down or stopping volunteer recruitment generally?
   f) Does the level of organisation taking the decisions to stop volunteers mean more people are prevented from volunteering? e.g. are national decisions more exclusive than local decisions?
   g) At the local level, is it clear and consistent which offences preclude people from doing which jobs?
   h) Is the implementation of the legislation too indiscriminate? i.e. is there a danger of anyone with a criminal record being rejected? If a potential volunteer proves to have an offending record which prevents them working with children but does not prevent them doing other jobs, how is this handled? Is it handled in a way that will still allow the person to volunteer?
   i) At school or local education authority level, is there an unwillingness to use discretion once a disclosure check has come through?

4. What other problems has child protection caused for volunteering? Prompts:
   j) Is there a concern that there is a lack of more precise guidance on how to use discretion?
   k) Does child protection prevent or reduce 'hosting' arrangements for child competitors at events?

5. What is your knowledge of proposed legislative changes for 2009?

6. And what is your reaction to proposed legislative changes for 2009? Will it reduce problems?

If there is time, go to more general questions:
7. Is there universal support for the need for child protection legislation regarding sports volunteers?

8. How seriously do you think child protection legislation taken at national and local levels? *Prompt:* One extreme is the appointment of child protection officers, policies, training, and embedding disclosure procedures and volunteer training into systems. The other extreme is to carry on as before and only implement disclosure procedures partially or 'do the bare minimum necessary'.

9. Have attitudes to child protection legislation changed over time? *Prompt:* e.g. initial support in principle but later, when experienced, raise objections; or alternatively, initial fear of implications but later, when used to the processes, they become part of normal practice.