

Memorandum submitted by the England and Wales Cricket Board (PF 82)

Context

1. The England and Wales Cricket Board (the ECB) was established on January 1 1997 as the single national governing body for all cricket in England and Wales. It governs and oversees cricket at all levels, including the professional first class game with 18 professional clubs, and the non-professional game which is structured via 39 county cricket boards. The ECB has approximately 6,500 clubs affiliated to it via the county cricket boards and of these approximately 3,500 clubs have a junior cricket section. In this governing capacity, the ECB is responsible for promoting and regulating the game as well as providing advice on specific matters such as safeguarding children within the sport.
2. The ECB has achieved the Advanced level of the National Standards for Safeguarding and Protecting Children, set by the NSPCC's Child Protection in Sport Unit and the use of vetting checks is part of our overall safeguarding strategy. The ECB, along with many other sports organisations, supports the joint submission made to this committee by the Sport and Recreation Alliance and the Child Protection in Sport Unit. The ECB has also had sight of the submissions made to this committee by the Football Association (the FA) and the Lawn Tennis Association (the LTA) and supports these submissions. This submission is made in relation to safeguarding children only and not in relation to safeguarding vulnerable adults.
3. The ECB currently has over 3500 clubs with an active junior section and of these, 1680 have achieved ECB Clubmark accredited club status, and a further 782 are working towards the accreditation. The ECB is committed to providing a safe, friendly and enjoyable experience for children who wish to participate in cricket.
4. Safe recruitment practices are important part of the process for providing the right environment for children to enjoy cricket. The ECB recognises that such recruitment practices must also reflect the capacity of the volunteer workforce to manage the process and to not over-burden them with unnecessary form filling or training which can distract them from their roles in the community. As such the ECB has developed a central system for managing vetting checks as part of recruitment practice in cricket. This provides specialist staff with expertise in safeguarding case management to deal proportionately with the information contained within those checks, and for the suitability of decisions for recruitment to be taken via this system of expertise, so as to prevent local clubs from needing to be trained in assessment of information.
5. The ECB has been operating centrally managed vetting checks since 2004 and in this time has dealt with over 80,000 individuals. The number of individuals requiring checks is increasing year on year and over 17,500 checks were processed in 2010. As such, ECB has experience in handling information and managing risk in relation to many different types of information provided through vetting checks including: young offenders looking to rehabilitate; low

level offending; long term offending histories; and those with allegations but no convictions.

6. The ECB and the FA are both committed to operating a proportionate risk assessment based process for vetting those that work with children and therefore welcomes the fact that the review intends to be both proportionate and reasonable. We note that the Sport and Recreation Alliance, the FA and the LTA have identified some key features of the proposed Protection of Freedoms Bill which have the potential to improve the current system, these include the requirement to ensure a person in Regulated Activity is not barred before they start in the role, the continuous updating of criminal records information once a check has been completed, and the legal obligation to undertake checks in particular settings and for particular activities.
7. Whilst the ECB supports the concept of active risk management by organisations and the wish to move away from a risk adverse culture with a reliance on vetting checks, there are a number of concerns with the current proposals that the ECB would wish to highlight.

Specific issues relating to the impact of the Bill

Clause 63 Regulated Activity and the definition of Supervision

8. The ECB shares the concerns raised through the other submissions from the sport sector that the use of supervision as an exclusion from Regulated Activity is potentially very concerning. Supervision can be significantly subjective in application and will vary from setting to setting. The capacity to supervise activities within a contained indoor space will be very different to supervising activities in wide open spaces. There needs to be a clearer definition that identifies the immediacy of the supervision and regularity of its occurrence. Leading junior sessions as head coach may include setting training plans and overseeing the programme as a whole, but may not necessarily include being present at every session that runs, or even keeping every assistant coach at a session within view. It is important to remember that children will learn to trust those they perceive to be in authority and this will include those assisting with junior sessions, particularly those who *frequently* help out with that child's sub-group at a session.
9. The ECB supports the recommendation made by the Sport and Recreation Alliance and the Child Protection in Sport Unit to revise the definition of supervision to include a reference to close and constant supervision.
10. The ECB, like many sports, encourages both past and present players as well as parents to become coaches. This would usually involve recommending assisting at junior sessions to ensure that they feel coaching is right for them. The ECB is concerned that by using the phrase "supervised" to remove people from vetting checks, that there is an opportunity for individuals to regularly engage in junior sport and potentially groom children and their families without any opportunity to make risk based assessments on their suitability.

11. The ECB would further support the submission made by the FA which highlights that supervision can be interpreted broadly even within specified places, where coaches report being left alone with classes and groups of children even though the arrangement is to work under the supervision of the teacher.
12. The ECB would welcome further consultation on the definition and scope of supervision, followed by clear guidance specifically providing examples in a number of settings including the sports and voluntary sector.
13. The ECB supports the comments from Sir Roger Singleton's original review of the definition of Regulated Activity that once parents are not directly involved in the decision as to who supervises their children and an organisation makes that choice for them, then there is a role for vetting checks.

Access to vetting checks for roles that may sit outside the Regulated Activity definition

14. If there was a commitment from Government that the Enhanced Disclosure (or any equivalent replacement) remained available for those individuals who are in activities working with children but who do not fit within the Regulated Activity definition, this would provide some comfort to the ECB.
15. The ECB recognises that the Government needs to ensure that checks are only requested for those that work closely with children and as per the submissions made by the other sports bodies, the ECB supports the sanctioning of organisations inappropriately asking for checks for individuals such as bar staff, tea ladies and ground staff at clubs who merely happen to be present at the same time as juniors but with no responsibilities for them.
16. The ECB would support the proposal made by the Sport and Recreation Alliance that sport specificity be applied in relation to certain roles being eligible for vetting checks even though they do not fit the Regulated Activity definition.

Clause 77 Single Issue of Disclosure

17. The ECB understands that the basis for the change to only one disclosure being issued to the individual applicant, without a copy being sent to the relevant recruiting organisation, is that it provides an opportunity for the applicant to dispute content before the recruiting organisation sees it. Whilst the ECB recognises that this is an important principle, the ECB has experienced only a very small number of disputed checks and would suggest that the bureaucracy burdens that a one disclosure system would create for the overall system would mean that this would be a disproportionate response.
18. If only one disclosure was produced then most sports would not have the mechanisms in place for a local transfer of that disclosure and its content. The expertise to manage content locally would need to be developed and this would involve creating and running new training programmes for all our cricket clubs.
19. The type of centralised management that ECB currently runs also protects the individual applicant from having their background being part of local club discussions, unless there is a clear need to know, based on statutory authority

protocols, that disclosure is both proportionate and necessary. This prevents relationship damaging local gossip and inappropriate inferences being drawn from any content in the disclosure being seen, which may not be relevant to safeguarding children.

20. A single disclosure would also require the ECB to chase the individual for a copy of the disclosure in order to assess the content and consider its relevance to safeguarding children. Given the variance in the service levels currently provided by police forces to the CRB system, this would be incredibly time consuming to identify when a disclosure had been issued and to send reminders if the applicant did not respond promptly. This may add weeks to a risk assessment process, which may in some cases already take some time to complete. This would further draw attention to a disclosure with content at a local level, particularly if the proposal for more immediate confirmation of clear disclosures goes ahead.
21. Sport is recognised by Government as a vehicle to assist with rehabilitating individuals with an offending history and the ECB would suggest that the worry that those in your immediate community may potentially access your record as part of the recruitment process would deter many from seeking a fresh start.
22. The system needs to provide an operational step that enables the recruiting organisation to be provided information after a set period of time which allows for a challenge to be raised. The recruiting organisation should receive either confirmation of a clear disclosure or a copy of a disclosure of content and thus be able to provide a timely recruitment process that doesn't prejudice the individual.

In Conclusion

23. The ECB recognises that the revisions to the Vetting and Barring Scheme, through the creation of the relevant Protection of Freedoms Bill clauses, have been drawn up with the intention of simplifying and clarifying who should be vetted before working with children, and how that will be done, and remain supportive of that key principle.
24. The ECB wishes to support the development of a system that is effective as well as efficient in safeguarding children.
25. However, we feel that particularly within the voluntary sector, some of the proposed changes, such as portability of a disclosure, which would be beneficial to child safeguarding, will be undermined by the problems created by the issues raised in this submission.
26. The ECB is willing to provide any further information or participate in any on-going consultation if this will assist in the development of a clear effective system to safeguard children.

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