

DUTY OF CARE

A summary report investigating the level of duty of care understanding in community sport settings in the UK

January 2018



FOREWORD

The current Sports Minister Tracey Crouch MP has consistently put athlete welfare at the top of her agenda in government, so it was no surprise when she asked Baroness Tanni Grey-Thompson DBE, DL to report to her on a wide range of duty of care issues as part of the new **Sporting Future**¹ strategy.

The **38-page report**² from Tanni Grey-Thompson and her panel covered a wide range of duty of care issues across the sector from player education, transition and selection, to first aid. The government has welcomed the report and is currently discussing the recommendations with the sector.

Much of the media focus to date has been on a few high-profile NGB cases as well as historical abuse cases coming to light in some sports.

Very little has been said about the implications for community clubs, charities and foundations despite the vast majority of people's experience of sport being at the 150,000 grassroots clubs that make up the backbone of our **sporting infrastructure**³. These clubs are often led and run by volunteers who give their time freely in most circumstances.

At the Sports Think Tank we were keen to make sure that the wider definition of duty of care at grassroots level was not lost as sports bodies responded to the report's recommendations.

We were fortunate to receive the support of e-learning specialists EduCare who were also keen to understand how their duty of care suite of products could be delivered across the sector to help create and maintain a safer environment in sport for children, young people and adults at risk.

We are grateful for all the NGBs and other sports bodies who took part in the survey and those who participated in our roundtable discussion in October.

This report marks the beginning of a coordinated response towards the **Duty of Care in Sport** recommendations and methods of implementation with the vision of sharing best practice across the sector.

Andy Reed OBE



Keywords

Please note that the terminology used in this report is intended to be as inclusive as possible, reflecting the fact that many issues are common across all levels of sport:

Duty of care – should be considered in its fullest sense, from personal safety and injury, to mental health issues.

Grassroots sport – means community-based sporting activities.

National governing body – (NGB) refers to independent, self-appointed organisations that govern their sports through the common consent of their sport.

Participant – includes athletes and sportspeople, but also people working or volunteering in sport.



1. www.gov.uk/government/publications/sporting-future-a-new-strategy-for-an-active-nation
2. www.gov.uk/government/publications/duty-of-care-in-sport-review
3. www.sportandrecreation.org.uk/pages/grassrootsguide

INTRODUCTION

Over the summer of 2017, the Sports Think Tank lead a review into the level of duty of care understanding in UK NGBs and the extent to which organisations are taking steps to improve duty of care across their organisation.

The review follows the **Duty of Care in Sport** report (April 2017) led by Baroness Tanni Grey-Thompson DBE, DL which sets out clear recommendations that aim to look after the people at the very heart of the sector – the people who take part and volunteer.

Duty of care has been brought into sharp focus by recent claims and the sector is arguably under more scrutiny than ever before. Duty of care is a complex area to navigate and means that 'a sports body needs to take such measures as are reasonable in the circumstances to ensure that individuals will be safe to participate in an activity to which they are invited or which is permitted' (CPSU)⁴.

In carrying out this review a broad range of UK sports organisations were taken into consideration, including County Sport Partnerships (CSP), NGBs, Associations, Federations and Charitable Trusts. In most instances, the Chairperson or Safeguarding/Welfare Officer responded on behalf of their respective organisation revealing the level of duty of care understanding at grassroots level.

It would appear that an increased focus on participation levels in sport and physical activity in recent years primarily to achieve social benefit, and in some cases financial return, has overshadowed the duty of care towards athletes, volunteers and others involved in the system.

As Tanni Grey-Thompson stated in her report . . .
"The success of sport relies on putting people – their safety, wellbeing and welfare – at the centre of what sport does".

The publication of this report is wide-reaching and timely, given the much publicised allegations of NGBs failing in their duty of care towards participants. It raises the question: have sports organisations responded to the **Duty of Care in Sport** report? Have they seen it as yet another raft of compliance requirements that they are expected to conform to or will they be embracing the recommendations as an opportunity to improve their duty of care of all participants for whom they are responsible?

Good practice in the application of a duty of care is paramount and it is apparent that in many areas sport can learn from other sectors. It is hoped that a much more coordinated, purposeful and proactive approach is taken to duty of care issues.

"The success of sport relies on putting people – their safety, wellbeing and welfare – at the centre of what sport does".

Baroness Tanni Grey-Thompson

RESEARCH APPROACH

Who did we speak to?

An online survey was launched in August 2017 to over 100 sport organisations, highlighting the current state of duty of care education in the community sports sector. The survey questions were informed by the key themes identified in Tanni Grey-Thompson's report with a particular focus on the following priority areas: ombudsmen, measurement of duty of care and governance.

A number of semi-structured interviews were also conducted with senior figures across the sector to support the survey data and expose the current level of delivery at sports club level of duty of care training in sport.

The final stage of research was a solution-based discussion forum evaluating the impact of grassroots and community sport of Tanni's report to DCMS. The Sports Think Tank hosted a roundtable at the House of Sport in London under Chatham House rules. Senior policy makers from across the sector gave their views on what the report means for community sport settings and how the sector should respond to the challenges it has set out.

KEY FINDINGS

Figure 1: Percentage of sport organisations surveyed who either have a senior manager or named board member responsible for duty of care

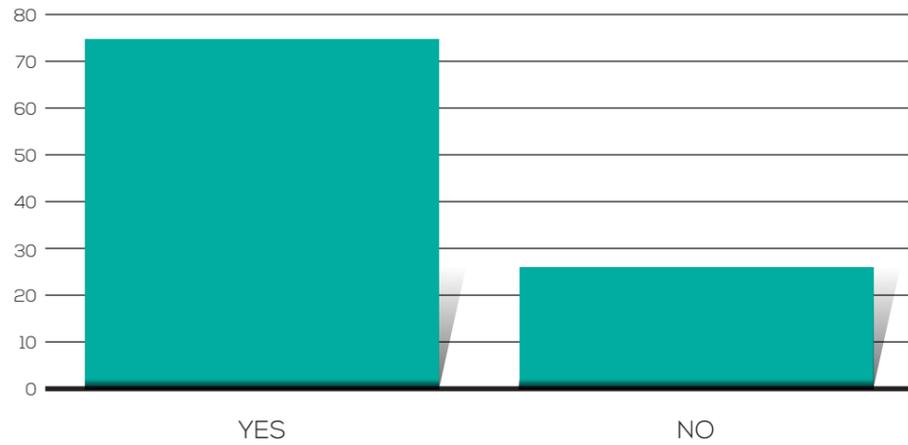


Figure 2: Percentage of sport organisations surveyed whose senior manager/named board member for duty of care have sufficient training and support to undertake their role



Figure 3: Percentage of sport organisations surveyed who have provided their volunteers and coaches with duty of care training according to their specific roles and responsibilities

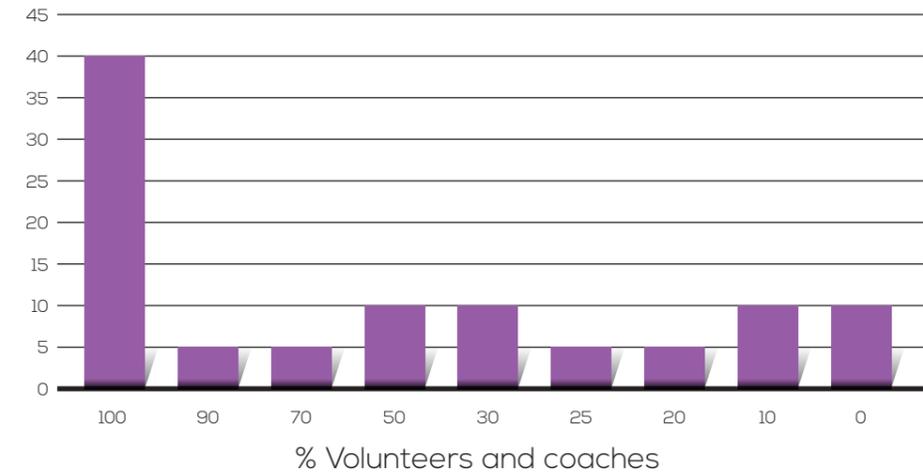
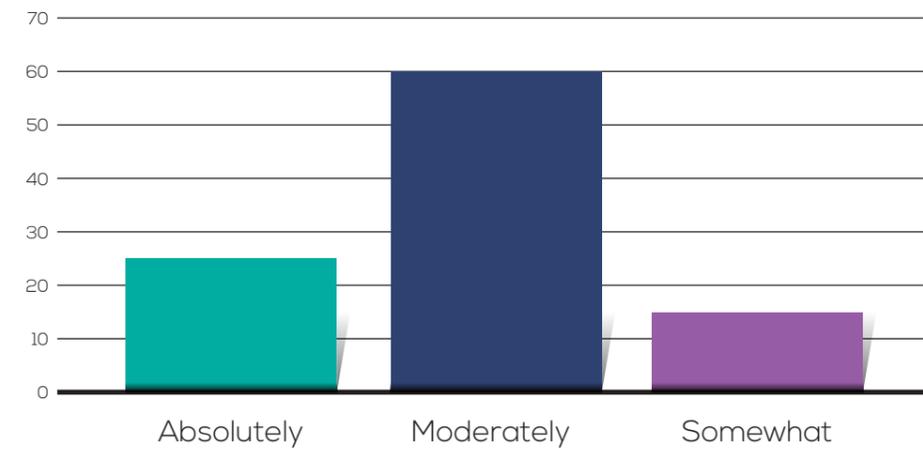


Figure 4: Percentage of sport organisations surveyed whose policies and procedures have been effective in helping to keep participants, and in particular young people safe



KEY FINDINGS

Figure 5: Percentage of sport organisations surveyed who have provisions for a sports ombudsman or duty of care quality commission

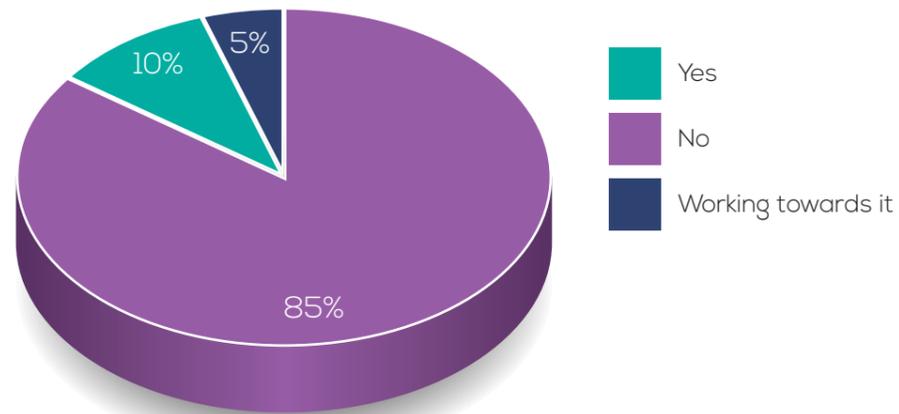


Figure 6: Percentage of sport organisations surveyed who feel they would benefit from the support of an external provider of essential safeguarding and duty of care training

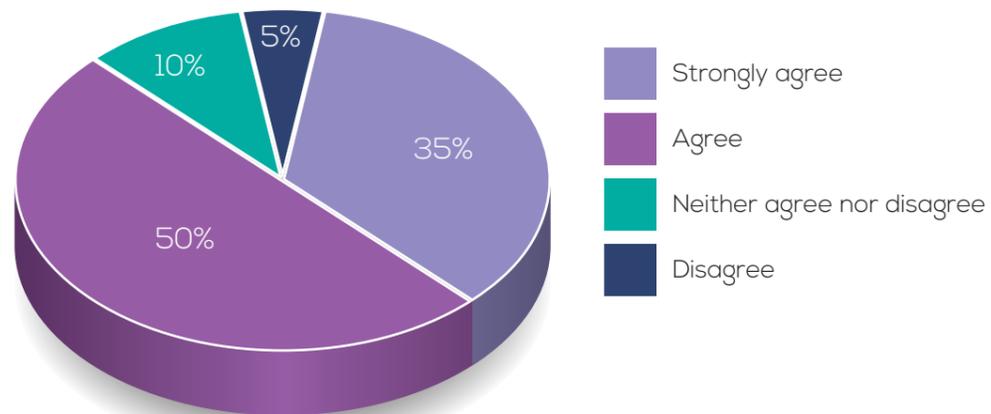
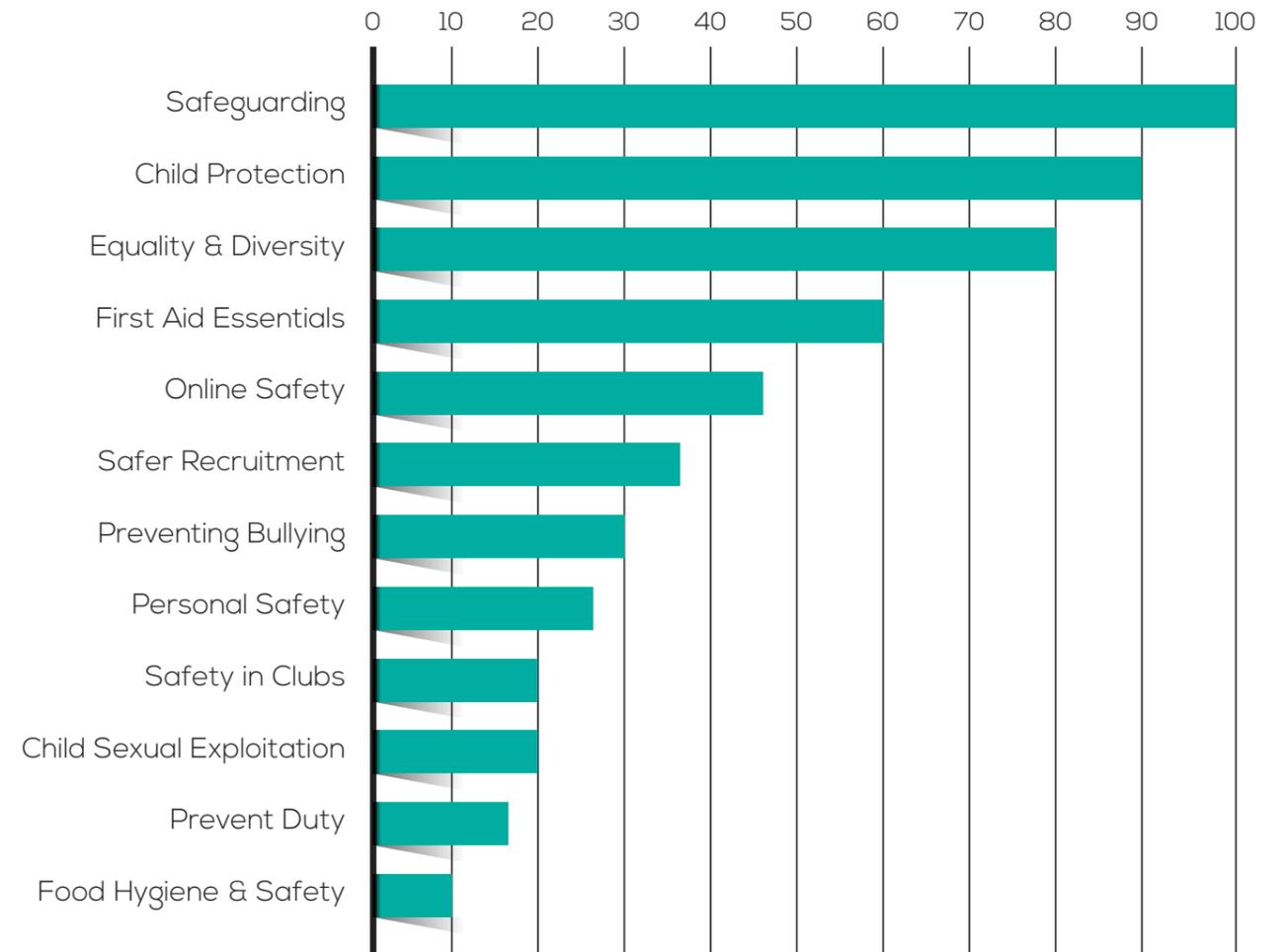


Figure 7: Percentage of sport organisations surveyed that currently run or access different types of duty of care training



Please note that these findings represent a sample of the questions that were asked. For full data set, please visit www.sportsthinktank.com/research.

TURNING INSIGHT INTO ACTION

The report has highlighted the state of duty of care practices within community sport settings and it has become apparent that there are a number of challenges facing the sector.

However, we are particularly pleased to find that many of the sports bodies who took part in the survey recognise that they are on a journey in some aspects of their work and are committed to the report findings to inform their practices and procedures.

Many reported that they needed help and guidance and a level of leadership and consistency across the sector to ensure best practice was shared and the highest standards achieved.

Our Recommendations

- 1 An Ombudsman type body should be established by the sector to create an agreed 'industry standard'.** An ombudsman will help to provide independent assurance and consistency in rules and regulations, ensuring a safe and inclusive environment for everyone involved in sport.
- 2 Leadership needs to be taken on the delivery of the recommendations arising from the Duty of Care in Sport report.** Further work should be carried out consulting sports bodies on creating a new body, empowering an established body or using existing structures. All parts of the sport and physical activity sector should be included in the systems of compliance as any successful framework would need to be fit for the entire landscape.
- 3 Any sporting organisation in receipt of public funding should have a guardian responsible for duty of care who is sufficiently trained and experienced to carry out his/her role effectively.** This would help to bridge the gap between the participant and the referral mechanism, and provide assurance at board level.
- 4 Incentivise volunteers to undertake duty of care training.** Behind every grassroots sports club is an army of volunteers, and without them most activity simply wouldn't happen. In line with Sport England's volunteering strategy 'Volunteering in an Active Nation'⁵, a key recommendation is to improve the experience of those who want to give their time which in turn will make sports clubs more sustainable and successful.
- 5 Duty of care should be measured as part of the government's funding requirements.** This should be led at an arm's length from DCMS, Sport England and UK Sport, but not an onerous burden of checklists on sports bodies. The measurement device should be relevant and robust enough to show the level of progress and report to the Duty of Care Working Group identified in the Government's 'Sporting Future' strategy (December 2015).
- 6 The report found that less than 25% of respondents can say that their policies and procedures have kept participants safe. Additional support is needed on duty of care matters to achieve progress in community sport settings.** There is a plethora of expertise that the sector currently fails to take advantage of, such as Sport Resolutions and EduCare for Sport, industry experts in safeguarding and duty of care training.
- 7 Active Lives Survey to include an end user satisfaction measure.** Sport England's Active Lives Survey⁶ measures sport and activity across England, focusing on levels and types of activity. It should be expanded to include questions around customer satisfaction and duty of care. Qualitative research will help to give the sector an ongoing insight into whether it is moving in the right direction as a new system is developed.



EduCare®

This report has been proudly supported by EduCare Learning Ltd who are experts at getting essential messages about safeguarding and duty of care to wide and diverse audiences.

Where safeguarding children, young people and vulnerable adults are concerned, we aim to remove ignorance and barriers to understanding so that unsuitable people are deterred from working in sport, and the professionals and volunteers that do, know how to act on any concerns without delay. In sport, EduCare are here for the long term and so the purpose of this report is to ensure that we share an understanding of what the sports sector needs in order to invest in the most effective way to achieve it.

For more information, visit the EduCare website: www.educare.co.uk/educare-for-sport⁷ or email Jo.Aldridge@educare.co.uk

Keir McDonald MBE, EduCare Learning CEO.

It has been encouraging to see a willingness to engage in the debate created by Baroness Tanni's report and subsequent spotlight on duty of care issues in sport.

Whilst we recognise that initial reaction to duty of care was on elite sport and safeguarding, it is clear that the emphasis should be widened to consider the level of support for participants in the system at all levels. Our research included a focus on the level of commitment, processes and support available within UK sporting organisations and our findings revealed a great deal of variation across these focus areas.

We have identified a need for leadership in this vital area of sports governance to avoid misconceptions and complacency towards duty of care issues.

We are recommending that a Duty of Care Charter is established for all those delivering sport and physical activity in the community with a requirement to adhere to agreed industry standards.

Further work is needed to embed our recommendations which aim to enhance the **Duty of Care in Sport** report.

The Sports Think Tank aspires to be at the forefront of a cultural shift towards moving the sector forward to meet these recommendations, in order to create a more effective and robust duty of care landscape.



ACKNOWLEDGEMENTS

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