

Sports Clubs – historic child abuse claims

Immediate action points for all Committees

The police are investigating allegations of historic child abuse in football clubs.

Amongst the many concerns that this raises and, perhaps, the sense of helplessness too, there are actions which Committee Members of all sports clubs should consider taking now:-

Child Protection

- Check that the Club's child protection policy and practice reflect best practice, including the provisions relating to voluntary organisations described in "Working together to Safeguard Children"
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf;
- Where the Club is entitled to obtain a DBS check in relation to a particular role, obtain the check and keep it up to date – *some people have been working with children since before the checking system was available and have never been checked. This is not best practice.*
- Ensure that Committee Members are properly supervising the communication and implementation of the policy and the management of employees and volunteers.

Governance Structure

- Identify the Club's legal structure – is it unincorporated (most commonly a trust or an unincorporated association), or corporate (most commonly a company limited by guarantee registered with companies house)?
- If the Club is unincorporated, take advice about whether or not to change to a corporate structure which could reduce Committee Members' exposure to potential personal liability.

Claims Management

- Whether or not the Committee considers any claims are likely, gather together as much information as you can about the Club's insurance arrangements and keep that information indefinitely. *When claims arise, some organisations can see from their accounts that they had insurance in place but are unable to find sufficient information about the policy to claim under it. If there is no insurance cover and the Club does not have sufficient assets, Committee Members (past and/or present) may face personal liability for any damages awarded;*
- If any individuals mentioned in the press as being under investigation have been involved in the Club and/or you have concerns about the conduct of any individuals (past or present), **urgently take specialist legal advice** which should include advice

about notification to third parties, for example the police, the Local Safeguarding Children Board, your insurance broker, the Disclosure and Barring Service and, if the Club is a charity, the Charity Commission.

Insurance

Take insurance advice from a specialist broker. Duncan Sutcliffe, of Sutcliffe Insurance Brokers, highlights the following issues:-

- These days most public liability insurance policies for sports clubs exclude abuse as standard. Some will add cover for an additional premium if evidence of good practice can be provided;
- Good practice will include:- up to date DBS checks, written policies in place for children & vulnerable persons that are reviewed annually and communicated, written policies on supervision and lone contact and having an appointed protection officer;
- Most public liability policies are written on a 'claims occurring' basis, which means a claim would be made against the policy that was in force at the time of the incident (that could be a policy that lapsed 20+ years ago). However there are quite a few sports public liability policies written on a 'claims made' basis, which means they can only be claimed against whilst that policy is live so if that policy is replaced by a 'claims occurring' policy all past incidents would no longer be covered unless a retroactive extension is available. This difference in underwriting basis can cause gaps in cover or restrict claims;
- Directors & Officers Insurance / Committee Members Insurance might cover some gaps not covered by Public Liability insurance, especially if committee members are accused of negligence in the running of the organisation, however still be aware that abuse may be excluded on some policies.

The briefing note is intended to raise awareness of the need for professional advice. It should not be acted on or relied upon without taking such advice.

If you would like legal advice on this subject, please contact Jenny Smith on 01905 677052 or by email at jsmith@thursfields.co.uk.