

# Safe(r) recruitment: Criminal record checks as a tool to protect children in sport

Dr Melanie Lang

Edge Hill University

Presented at the Consultative Committee of EPAS webinar

3<sup>rd</sup> June 2021

# PARAMETERS

- Criminal Record Checks (CRCs):
  - Terminology
  - Scope – nationally & internationally
  - Purpose
  - The evidence base

# EMPIRICAL DATA: CRC COVERAGE

Of the then 28 Member States:

- **20 States** have legal provisions for CRCs for child-related roles - *but* volunteers &/or private sector organisations often excluded
- **4 States** include specific requirements to assess the suitability of staff operating in sport contexts
- In some States, applicants must grant prior permission for a CRC to be performed

(Lang et al., 2018; Mergaert et al., 2016)

# EMPIRICAL DATA: OFFENDERS

- **16 States** have legislation that prevents convicted (&, in some cases, suspected) offenders from performing roles with children, including in sport
- In **10 States** offenders are legally prohibited from performing certain roles
- In **6 States** offenders *may be* prevented from entering such roles – sanction imposed as part of sentence
- **7 States** maintain national databases of individuals with convictions against children

(Lang et al., 2018; Mergaert et al., 2016)

# CONSIDERATIONS

- Inclusion of ‘soft’ data in some States
- Balance of rights of (former) offenders *Vs.* rights of children
- Dependent on accuracy/ completeness of records held
- Only identify known offenders & cannot predict future behaviour
- May deter volunteers
- Over reliance on CRCs – ‘clean’ ≠ ‘safe’
- Significant inconsistencies cross States

(Furedi & Bristow, 2008; Lang & Hartill, 2015; Lang & Papaefstathiou, 2021)

# BENEFITS

- They work! – Evidence (albeit limited) CRCs do prevent known offenders from gaining access to children (BBC, 2014; DBS, 2012)
- ....
- ....
- ....

# KEY TAKEAWAYS

- More consistent approach needed within & across States
- Organisations need to be aware of the limitations of CRCs & not overly rely on them
- CRCs prevent *certain* offenders from easily accessing vulnerable groups
- = CRCs are a useful tool in any organisation's safeguarding armoury & can *sometimes* protect children from abuse (esp. sexual) BUT ...
- ... a co-ordinated and multi-faceted approach (including but not restricted to CRCs) is the best way to protect children

# REFERENCES

- BBC News (2014, 24 June). *Fall in number barred from working with children*. Retrieved from: <https://www.bbc.co.uk/news/uk-27978423>
- Disclosure & Barring Service (DBS) (2013). *Challenges to DBS Checks* [online]. Available: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/170631/dbs-1009-dispute.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170631/dbs-1009-dispute.pdf) [Accessed 6/2/15].
- Furedi, F. & Bristow, J. (2008). *Licensed to Hug: How Child Protection Policies are Poisoning the Relationship Between the Generations and Damaging the Voluntary Sector*. London: Civitas.
- Lang, M. & Papaefstathiou, M. (2021). Barred: Criminal Record Checks As A Tool To Prevent Child Abuse In Sport. In: Lang, M. (Ed.). *The Routledge Handbook of Athlete Welfare*. London: Routledge.
- Lang, M., Mergaert, L., Arnaut, C. & Vertommen, T. (2018) Gender-based violence in EU sport policy: Overview and recommendations. *Journal of Gender-based Violence*, 2 (1), pp. 109-118.
- Mergaert, L., Arnaut, C., Vertommen, T. & Lang, M. (2016) *Study on gender-based violence in sport in EU Member State countries: Results of a Study Commissioned by the European Commission Education, Audio-visual and Culture Executive Agency*. Brussels: European Commission.