

## **Scottish FA Independent Review of alleged non-recent child sexual abuse in Scottish football**

### **The Terms of Reference**

#### **Background**

During November and December 2016 a number of reports appeared in the media in relation to allegations of non-recent child abuse involving a former referee, former coaches, team staff and others involved in football in Scotland during the 1970's, 1980's and 1990's. As at the publication of these terms of reference the exact number of players, alleged abusers and clubs is currently unknown.

Against this background the Scottish FA Board have determined that it is necessary to instruct an independent review into what if anything the Scottish FA and/or any of its members and/or affiliated and/or associated organisations knew in relation to these matters at the relevant time and what action did and should/could have taken place at that time.

The Independent Review (the "Review") has been set up:

- To consider whether or not and to what extent the Scottish FA was aware of the matters highlighted and now brought to its attention;
- To consider what steps were taken by the Scottish FA during the relevant periods in relation to the protection of children brought to its attention at that time and; to identify any failings or deficiencies on the part of the Scottish FA in that regard;
- To consider what steps were taken by its members and/or affiliated and/or associated organisations, either at the time of them being made aware or subsequently, and identified as relevant to the alleged incident(s) and to those concerned. This will include responses, decisions and actions either taken or omitted; and,
- To consider what lessons have been learned by the Scottish FA and its members and/or affiliated and/or associated organisations since those incidents took place and following any investigations that have taken place to ensure that the risk of abuse is reduced and where possible eliminated.

In light of the above consideration the Review will make recommendations as appropriate to ensure that any failures or deficiencies identified have now been or will be addressed in an appropriate manner.

#### **Remit/Procedure**

The Scottish FA will provide the Review with all information and materials in its possession that are sought by it. Where information sought is not in the possession of the Scottish FA, the Board shall grant delegated authority to the Review to act on behalf of the Scottish FA in accordance with the terms of Article 86. The primary objective of this Review is to ensure that any failings now or in the past of the Scottish FA and/or its members and/or affiliated and/or associated organisations are brought to light so that appropriate steps are put in place to ensure that any identified failings and deficiencies cannot be repeated.

The Review's remit will be to focus on "sexual abuse" as defined by the Scottish Government.

The Review is cognisant of ongoing investigations relevant to the matters that it seeks to review. To this end, it will work with all other relevant inquiries to ensure that, where legally possible, all relevant information is shared whilst ensuring that all criminal investigations are given primacy as appropriate.

Any and all allegations of child abuse referred to the Review shall be referred to the Police in the first instance.

The Review will:

- only cover areas where the Scottish FA has jurisdiction but, where information comes to light that is not within its jurisdiction this will, where legally permissible, be passed to relevant authorities whether that be the police or other regulatory authorities (sporting or otherwise) in the jurisdiction(s) concerned;
- not determine the nature of any liability on the part of any individual or organisation whether that be criminal, civil or regulatory;
- where potential breaches of football rules and regulations are highlighted refer these to the Scottish FA to consider what if any action can and/or should be taken; and,
- be conducted in as transparent a manner as possible in particular having regard to duties of confidentiality, security and data protection.

It is the intention of the Scottish FA that, where legally possible, any report and findings of the Independent Review be published. However, it will be for the Review to consider what can be published and when and, in this regard, will liaise with the Scottish FA and other appropriate authorities, bodies and enforcement agencies in relation to what can be published.

#### **Composition of the Review**

The Review will be led by Martin Henry, with secretariat and appropriate external reviewers as required appointed. Martin Henry will Chair the Review team and has contributed to these terms of reference alongside the recommendations and considerations from survivors of non-recent sexual abuse in Scottish football.

Any amendment to these terms of reference will be agreed between the Scottish FA and the Review team and any such amended terms of reference shall be published.

The Review's report, findings and recommendations will be theirs alone.

#### **Timetable**

The findings of the Review will be reported to the Scottish FA Board once complete. No final date can be given at this stage given the ongoing nature of matters arising, the passage of time and the time it may take to recall relevant information, materials and to locate all relevant people to interview acknowledging that said individuals may no longer be domiciled within Scotland.