

THE OFFENSIVE BEHAVIOUR AT FOOTBALL AND THREATENING COMMUNICATIONS (SCOTLAND) BILL

ADSW RESPONSE

The Association of Directors of Social Work (ADSW) welcomes the opportunities to provide a response to the proposed legislation and offers the following comments.

The Association commends the Scottish Government for its commitment to tackle offensive behaviour and threatening communication, including use of the internet associated with Scottish Football. As an Association we are concerned by the increase in criminal and antisocial behaviour and violence, particularly against women and children that rises following certain games.

ADSW recognises that legislation alone cannot address the sectarianism, bigotry and racial hatred that exists in Scottish society and which extends beyond Scottish football. The proposed Bill aims to address specific behaviour within a context of attending and travelling to/from football matches. It will not tackle the same abhorrent behaviours when displayed at marches, parades or other demonstrations.

Several high profile incidents during the 2010 – 11 Scottish football season, attracted national and international, media coverage that brought sections of the ‘national game’ into disrepute. We support the Scottish Government’s Joint Action Group approach which involves the key players in the section jointly agreeing a set of actions intended to deliver real and sustainable change.

The reduction and elimination of sectarianism, bigotry and racial hatred is a long term commitment that will take a minimum of a generation to show results. It requires a holistic re-educative strategy that targets, individuals, families, communities, schools, Clubs, commercial sector as well as the media.

The Association suggests the strategy builds upon established initiatives dealing with sectarianism and racial hatred, which have shown positive results, ‘Beyond the Culture of Two Halves’ highlighted by Youth Link, SFA & Clubs initiatives and the work of the Violence Reduction Unit in tackling Gang Culture. We commend the use of sport as a means to challenge and change unacceptable and antisocial behaviour and attitudes. We suggest such an approach offers a unique opportunity to Scottish football clubs and players to make a strong statement that sectarianism, bigotry and racial hatred has no place and will not be tolerated in Scottish football. The influence of players can be considerable and it should be maximised in this campaign.

Many organisations and individuals have expressed concern at the speed with which the Bill is progressing through Parliament. This Association shares those views, as we consider it is critical that the Bill is understood and ‘owned’ by the football community, clubs and supporters if it is to be effective. ADSW agrees with the views of others about the need for new legislation, when the plethora of existing public order and hatred legislation is not consistently applied. Ill defined legislation and an inconsistent approach to the interpretation, enforcement and prosecution which may result in legal challenges could be counterproductive, and reinforce the attitudes and behaviour the Bill intends to eliminate.

The creation of the National Football Policing Unit and Football Liaison Prosecutors will strengthen enforcement of the Bill and increase the number of prosecutions and individuals entering the criminal justice system. The implications of a criminal conviction are considerable and the Association suggests that prosecution should be reserved for individual committing serious offences or who are persistent offenders.

ADSW recognise the potential implications of the Bill for the Police are considerable and not solely from a resource perspective. The logistics of enforcing the Bill within the highly volatile atmosphere of a football match without exacerbating the situation and placing staff and supporters at risk of injury will be colossal and deploy resources from other activities. We welcome proposed research to ascertain links between football and domestic abuse, exacerbated by excessive consumption of alcohol. We are keen to work with ACPOS and others to reduce the risk of domestic abuse to women and children.

ADSW has concerns that the projected increase in work and financial costs outlined are underestimated. As is appropriate there will be a range of disposals available to the police, COPF and Courts. The Community Payback Order (CPO) is one of the options available; the financial memorandum makes no reference to the potential increase in Criminal Justice Social Work Reports that will be required where the Court is considering a CPO other than a Level 1 unpaid work order of less than 100 hours. The lack of a Report will present challenges in securing 'safe' work places within the required timescales, particularly when individuals are appearing direct from custody with feelings still running high. Where a more intensive CPO is imposed, the aim of the order will be to challenge entrenched thoughts, beliefs and attitudes, encourage changes in behaviour in order to reduce the risk of further offending. ADSW will monitor carefully the implementation and implications for LACJSW of the Bill, to determine the relevance of existing interventions or need to develop more specific ones.

In conclusion, ADSW supports the commitment of the Scottish Government to tackle sectarianism, bigotry and racial hatred in Scotland. The proposed Bill targets such behaviour directly related to football, we hope that existing legislation will be applied to address such behaviour in other areas of Scottish life. We have some reservations about the logistics of enforcing the Bill and consider the projected increase in work across the criminal justice sector to be underestimated.

August 2011