

# Digital, Culture, Media and Sport Committee

## Oral evidence: Sport Governance, HC 320

Tuesday 14 November 2017

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Watch the meeting

Members present: Damian Collins (Chair); Julie Elliott; Paul Farrelly; Julian Knight; Ian C. Lucas; Christian Matheson; Brendan O'Hara; Rebecca Pow; Jo Stevens; Giles Watling.

Questions 484 - 578

### Witness

Tracey Crouch MP, Under-Secretary of State for Sport and Civil Society, Department for Digital, Culture, Media and Sport.

## Examination of Witness

Witness: Tracey Crouch MP.

**Q484 Chair:** Good morning. I welcome the Minister for Sport to this session of the Select Committee for Digital, Culture, Media and Sport. This session covers our work on sport governance. It had been our original intention that the session with the Minister would be the final session on the sports governance report but we will be having a follow-up session on Para sport with the IPC and other witnesses as well, which will be on 6 December. We will put out a press notice with the details of that session in due course. That now will be the concluding part of the inquiry.

Minister, if I could start off, you will probably be familiar with a lot of the issues the Committee has looked at during the course of this inquiry. One of the key things we keep returning to is the duty of care of governing bodies towards individual athletes and the rights they have.

Tanni Grey-Thompson appeared recently before the Committee. We discussed with her the duty of care in sport report she prepared for the Government in April. We would be interested in knowing what your feelings are about the recommendations Tanni has made, in particular the suggestion she has made that there should be an independent sports ombudsman to review and consider some of these individual duty of care cases.

**Tracey Crouch:** First, can I congratulate the Committee for the work it has been doing on a whole variety of issues around governance, sports governance and duty of care? I have obviously been following the Committee's progress on certain issues quite closely. I welcome the discussions and the inquiries you have had that looked in detail at some specific areas of concern in particular sports.

We have come a long way in terms of duty of care since I first took on the post. By commissioning the report into duty of care from Baroness Grey-Thompson, following the publication of the sport strategy, we recognised there were issues we needed to address within the delivery of sport and across particularly high-performance sport. That is why, in parallel to the duty of care report, we also have reformed the governance codes, of which we will no doubt talk in more detail.

In response to your specific questions, I have read the transcript of Tanni's evidence session to you. I would like to take this opportunity to thank her for her work. We are looking at the recommendations in some detail. We will publish an update on where we are when we publish our annual report into progress on the sport strategy at the beginning of next year. In particular, the recommendation around the ombudsman is something I am quite interested in. It is an idea we need to explore more. I have on my desk in the office a series of recommendations as to where we can go next. But—I will be completely honest—I have parked it



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to one side until this Committee has reported because what you determine may well add an extra dimension into where we take the recommendations on that particular point.

Q485 **Chair:** You, as the Minister, are actively considering whether there should be an independent body established to review these sorts of cases?

**Tracey Crouch:** Absolutely. I am very open-minded to the suggestion. We do have to look at some of the practicalities of it. We also do have to recognise that there are things that already exist.

One of the things we have to consider is whether we set up an entirely brand-new system with new structures or look at beefing up particular regulators or ombudsmen that are already existing. That is something we are looking at. But, as I say, I am open-minded. When Tanni gave her evidence to you, and as it was quite clear this is an area of focus for the Committee, I wanted to make sure I take the Committee's recommendation into account before I make any final decision.

Q486 **Chair:** It has become an area of interest to the Committee because, out of the work we have done looking at different sports, it has become really clear there are major issues with the way in which athletes are treated if they seek to come forward with information about things that are going on within their sport or experiences they have had personally and that the governing bodies are not well equipped to deal with and process those issues. As you will know from the case with Eni Aluko, it was recognised the FA has no grievance procedure for sports people.

**Tracey Crouch:** Those are separate issues. If I come back to the ombudsman, one of the reasons why I came to be rather interested in the idea was something that happened before the duty of care report published its recommendations and was certainly part of the discussions I had had with Tanni for her to look at, that is the issue around arbitration in serious and catastrophic injury.

I had a couple of cases pointed out to me of people who had gone through the internal processes but who were not necessarily fully satisfied with the outcome, particularly when national governing bodies have a very strong legal back-up whereas the individual involved in a serious or catastrophic injury might not. While there are sports resolution opportunities, it is whether or not that pathway is smooth enough to be able to have a final independent appeal to that, which is the area of independence I was interested in.

Subsequent to that a whole series of issues have arisen, some of which I hope the strengthening of the governance codes will deal with. However, what is clear is that there has to be an element of independence for people if they are not satisfied with those internal procedures. It is quite clear from the Eni Aluko case that the FA, and other national governing bodies, do not have a suitable grievance procedure set-up in place. The



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governance code, which is very explicit on this, will make sure they are there in the future.

Q487 **Chair:** That is certainly good to hear. As you say, it is not just about taking forward grievances. When serious complaints are made—and we heard from Michael Breen in particular in the Para sport session—and when someone is making a complaint, in this case about another athlete, effectively it is the governing body investigating itself. It has no particular duty or obligation to disclose the results of that investigation or, indeed, to bring in any outside experts to corroborate what it says.

**Tracey Crouch:** Again, the governance codes will address some of those issues. The mandatory requirements set out in the tier 3 part of the governance code are something that will ensure that transparency is there, there is independence in terms of assessment and that there will be grievance and whistleblowing procedures in place. Failure to do so will mean with the withdrawal of funding.

Q488 **Chair:** A couple more questions and then I know Ian wants to come in. In the Eni Aluko case she was able to take the FA to an employment tribunal because she was centrally contracted by the FA and effectively the FA was her employer. Do you feel that athletes who are funded through the World Class Performance Programme should have a similar sort of status and it be recognised that, in effect, they are being paid to train either by UK Sport or by their governing body? They should not just be regarded as self-employed workers but have some status within the organisation.

**Tracey Crouch:** It is a complex issue. Of course, the instant you change the nature of their employment status that also changes things like, for example, their national insurance contributions and their pension credits. These are all things that need to be looked at. Ultimately, at the end of the day, we do have a structure in place that supports a World Class Performance Programme, a high-performance programme that is looked at across the world. We all recognise there are some gaps that these cases in the past have brought out. Some of these issues may well be resolved through the statement UK Sport has put out recently, in terms of what it is trying to look at to address the gaps it is aware of.

Q489 **Chair:** If you look at it in terms of the relationship, rather than focusing on the athlete and the sport, you have a relationship where you are reliant on one body for your income. They tell you when you work, how hard you work, when you eat, when you sleep and control every aspect of your life, yet that individual has no rights in the face of that body.

One of the consequences of that are some of the poor decisions that have been taken around athlete welfare and the lack of rights these athletes have when they seek to bring complaints for redress. There has never been a requirement in the past to have a redress system because athletes were not regarded as employees.



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**Tracey Crouch:** Again, the national governance code will help with addressing some of those concerns. Setting up the functions that will support athletes, put the athlete at the centre of the duty of care and make sure that proper safeguarding and welfare processes are in place will help that.

We have to be conscious that the issue around funded athletes and their employment status is a complex issue. I know there are discussions that are taking place already around national insurance contributions and pension credits. These are things that are going to work their way through in time.

I know I keep on talking about the governance code. I am sure I will reference it many, many more times throughout this Select Committee hearing today. However, the truth is that this is the first time we have had this level of governance in our sporting organisations. It is in the process of implementation. It is very difficult to predict that nothing like has happened is not going to happen again, but we do think we are setting a gold standard of governance for our sporting bodies that will ensure the best levels of wellbeing, of safeguarding and of good governance are going to be in place.

Q490 **Chair:** To go back to the previous question slightly, would you accept there is a professional relationship that exists between UK Sport, the athletes it funds and the athletes themselves?

**Tracey Crouch:** I am conscious there is a live legal case on that at the moment.

**Chair:** I am not referencing any individual person.

**Tracey Crouch:** I would not want to prejudice the decision of that employment case at the moment by answering that question. I do recognise it is a complex area and that these are issues that will be worked out over the course of the legal case that is taking place at the moment.

Q491 **Chair:** Finally from me on the sports governance code, we are in a situation where you can be fully compliant with the sports governance code and still preside over massive failings in what we would regard as being governance and certainly duty of care towards athletes. Do you feel the code should be more explicit about some of these issues upfront?

**Tracey Crouch:** You are absolutely right that you could be fully compliant with every single letter of the governance code, but it is around culture. We know there are certain national governing bodies that need to really look at the culture within themselves.

When UK Sport put out a statement in the last couple of weeks about the cultural health, they made very clear the work they are going to be doing to try to support cultural change within national governing bodies. That is clearly needed, we have seen that from the various high profile incidents



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that have been raised over the course of the last 12 to 18 months. I welcome the fact that national governing bodies have started to recognise that it is not just about compliance on a strict paper exercise. It is about the actions, not just about the words.

**Q492 Ian C. Lucas:** We welcome the governance code. I would suggest that is a consequence of the increased professionalism of many sports in the likes of athletics over the past 20 years and the huge amount of money that has gone into those sports. Do you accept there is an inherent conflict between the pressure on individual governing bodies to be successful within their own particular field and creating a responsive complaint system within that same sport? Can the same body do the two jobs?

**Tracey Crouch:** There is always going to be pressure on national governing bodies to be successful because their success, in turn, drives the inspiration and desire for the next generation to get involved with their sport, and meets other wider sporting targets such as greater participation. While in the past there may have been that conflict I do think the governance code—that will change transparency, accountability and introduce better grievance and whistleblowing procedures—will change that.

It is right and proper that national governing bodies are allowed to investigate the complaint in the first instance but where I agree with the Chairman and the recommendations is what is after that. If there is still a sense of dissatisfaction with the outcome who can they appeal to? I am not sure that is entirely clear. While I am assured there are structures in place I am not sure it is necessarily entirely clear for the person that is involved that there are those appeal opportunities.

**Q493 Ian C. Lucas:** What has come through in the evidence of present or very recent practice in sport—I am thinking of cycling in particular—is that the relationship between the governing body and performance teams has been extremely intermingled. The level of independence that is necessary to ensure proper supervision has not been there. Unless we have an independent ombudsman, for example, as the Chairman suggested, I am not sure we can separate the structure sufficiently. Do you agree with that?

**Tracey Crouch:** The independent review into British Cycling highlighted some of the areas of concern and raised some important challenges back to British Cycling on the way it was structured and the relationship, as you say, between performance and implementation of what it was trying to achieve.

Regarding the evolution of the governance codes, we are very far down the road now of implementation. I trust that every member of the Committee has seen the letter that was sent yesterday to the Committee updating where national governing bodies are. We are in a much better



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place than when these initial concerns were first raised but I hear what you are saying.

**Q494 Ian C. Lucas:** We heard evidence on the Paralympics issue, for example. It struck me that we had a sport where there had been a huge influx of money and the governance of that area of sport was way behind—and still is, as we speak—the investment that has come into the sport. At the moment they are not capable of dealing with the situation.

**Tracey Crouch:** I am not unsympathetic to the points you are making. What I am saying is that we are keeping an open mind to see what the Committee suggests, although I am getting a good sense of what the Committee might suggest.

We will then look at the mix of other options that are on the table to try to ensure there is somewhere for athletes to be able to go if they do not feel the right processes are in place. However, once we have the proper grievance processes in place within the national governing bodies we might not need to get to that point of having an independent ombudsman, or we might look to see what other resolutions are available to us using existing structures.

It is very difficult because obviously the Committee, myself and others are also rightly concerned about issues that have happened recently at a time when these structures are not in place. I am hoping we will get to the point that once the governance code is fully implemented and in place that we would not have the issues that have been raised. Maybe that is an optimistic view. I have to remain optimistic because I helped design the code. However, the opportunities are there for the national governing bodies to put in those proper procedures.

**Q495 Ian C. Lucas:** I do take your point. Can I commend you for the point you made about inequality of bargaining power between the bodies and the individual athletes? It does seem to me that one of the important areas we need to deal with is to ensure that individuals are properly represented. Their position, as individuals who are properly advised, as compared to the governing bodies is very, very important.

**Tracey Crouch:** Thank you. The other thing that is also important is that quite a lot of the complaints and issues have been raised by athletes who have retired from high performance. What we want to be able to do is to support athletes who have these concerns while they are performing and competing, not to fear for their selection by raising concerns. That is why we have to have the right structures in place for grievances and they know they can do so and it is not going to jeopardise their career.

**Ian C. Lucas:** It has been striking how many athletes have come to this Committee because there has been nowhere else to go. That very strongly supports the view we need to have somebody independent.

**Q496 Chair:** Eni Aluko's case is not an old case; it occurred very recently. This is a case that took place over the last 18 months or so where the only



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place the player could go to was Dan Ashworth, a friend of the manager about whom she was complaining, who then failed to lead a proper investigation and even spoke up for the man he was investigating during his own process. Yet he remains in post as still the go-to person in the FA for any other player caught out in the same position.

**Tracey Crouch:** The Katharine Newton report obviously acknowledged that and made it very clear that a very strong recommendation was to have an independent grievance procedure in place. The FA needs to take note of that recommendation.

**Chair:** I am pleased to see you recognise that. Unfortunately, the chief executive of the Football Association refused to acknowledge any failing in their process at all when he appeared in front of the Committee. That caused a degree of frustration, and not just for us.

Q497 **Julie Elliott:** That is what I want to ask about. One of the most illuminating evidence sessions we have had as a Committee recently was the governance of the Football Association where, as has been said, we were told there were no grievance procedures and no avenue for complaints about bullying, abuse or anything to go to. Although you have acknowledged that the final report from the barrister highlighted some of this that was the third attempt at an investigation into this, which was quite alarming.

Was the Government aware of this problem within the FA before the Committee's inquiry?

**Tracey Crouch:** No. We were obviously aware of the fact that national governing bodies themselves did not have necessarily the right grievance procedures in place. That is why, right at the very start of the sport strategy, we commissioned the duty of care report. That was way before any of these high-profile cases came to light. Clearly we were concerned there may well have been some issues in the background. The specific recommendation Katharine Newton put forward about the lack of grievance procedures in the FA had not come across my desk.

Q498 **Julie Elliott:** One of the things Eni Aluko claimed about the FA's investigation was that she felt it was constantly about protecting the FA's reputation. That came across to the Committee very clearly in the answers the employees of the FA were giving, where they were dancing on the head of a pin not to admit what they had done wrong. That made them look worse than if they had just admitted what they had done wrong. Do you think that is a realistic claim that Eni Aluko made, that it was all about protecting that FA's reputation?

**Tracey Crouch:** It is not necessarily right for me to sit here and say.

**Julie Elliott:** I think it is right for you to give your opinions.

**Tracey Crouch:** What I would say is I thought the FA handled the whole incident really badly. It was a mess. In a way it has, quite rightly, taken



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the shine off the work the FA has done on the reform of its governance procedures.

We had a debate in the Chamber earlier on in the year about football governance. At that point I was able to say to the House that I was confident the chairman was going to reform the structures of the governance, which he has done. Instead of celebrating the journey the FA has gone through in governance we are rightly looking at its internal cultures and procedures. The speech the chair of the FA gave the week after he came to the Committee should have been the speech he gave here. He rightly recognised they had come in and—I think he, himself, used the phrase—“aggressively defended their position” when what they should have done was acknowledged the failings they had in place.

**Q499 Julie Elliott:** If I interrupt you there, by the end of the session with us the chairman was admitting they had perhaps not done as well as they should have done. The chief executive, however, would not admit fault at any cost and I am not aware he has done that since. The chairman might be doing one thing but the people running the organisation do not seem to be taking this seriously, in my view. Do you have confidence they are going to turn this around, particularly the chief executive?

**Tracey Crouch:** The chairman and the chief executive have had their plans to change the culture within the FA approved by the council. They spoke to the council the week after they came here. They reflected very much on their evidence session in front of this Committee, as they should have, and are working now to change that.

I am sure the Committee is aware UK Sport has loaned the FA John Donnelly to go in there and help them with their integrity procedures and, of course, Baroness Sue Campbell is also involved in trying to change internally the cultural issues within the FA. The FA has to take a long hard look at itself in light of both this incident and also its performance in front of the Select Committee and the gaps it showed in its acknowledgement.

**Q500 Julie Elliott:** Do you think the FA has a duty of care in relation to its elite players?

**Tracey Crouch:** Of course they do: every national governing body has a duty of care in relation to their elite players. The FA is not exempt from any of the duty of care recommendations or the UK Governance Code.

**Q501 Julie Elliott:** The people who came and gave evidence here struggled to answer that question, particularly the chief executive. We did not get a clear answer to that question. In light of that, do you think the FA is fit for purpose as it is at the moment?

**Tracey Crouch:** The FA has gone through a journey of reform. It goes back to a point the Chairman made earlier: it has reformed its governance structures to be compliant with much of the governance code. However, the point is that it is about actions, not words. What you have to see now is a proper reform to ensure it does show duty of care, it



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does have the proper grievance procedures in place and does change the culture. It has to start right at the top.

The chairman has acknowledged that there is a huge amount of work they need to do. In my view it should take Eni Aluko up on her offer to help the FA with those reforms. She would be a great asset in terms of helping drive cultural change within the FA. They recognise they have more to do. The governance code will set the foundations for that but they have to implement it and drive that change right from the top.

**Q502 Julie Elliott:** That was a really good explanation of what needs to happen, but do you think it is fit for purpose at the moment?

**Tracey Crouch:** I think the FA has a lot to celebrate, I really do. In terms of the success we are having on the football pitch and in terms of its drive to get more people—particularly women and girls—involved in football it is doing well.

There are a huge amount of challenges for the FA. There are lots of issues that constantly come up. The Chairman is very good at raising those issues, whether it is in relation to the culture or practices, right down to issues to do with agents and intermediaries. There is a lot of work the FA has to do. Ultimately, at the end of the day, it is driving forward successful areas of participation, whether that is women, people with disabilities, older people or people in the elite level of the game. I am not going to say it is not fit for purpose at all but I do think there is a lot of work it still needs to do.

**Q503 Julie Elliott:** You are not going to say it is not fit for purpose. Are you going to say it is fit for purpose, which is the question I asked you? You have spoken at length but not answered the question.

**Tracey Crouch:** They have a lot of reform they need to go through but they recognise that themselves. The Football Association has come through an enormous journey. We have to recognise some of those things that have happened but it still needs a cultural change at the top.

**Q504 Julie Elliott:** We will move on from that. One final question, you are putting a lot of faith in this governance code. You have said it will make sure grievance procedures are there in the future and there will be financial penalties if not. You are putting a huge amount of faith in the code. What is the Government doing, apart from the code, to make sure athletes have access to suitable internal grievance procedures?

**Tracey Crouch:** The code is the thing that was set up for national governing bodies. Please remember that sport is rightly independent of Government. We set up the procedures and practices through the bodies we fund.

**Q505 Julie Elliott:** Do you think the code is the be-all and end-all?

**Tracey Crouch:** No, not at all. We have never said that. It is a really good starting point for governance. Obviously the duty of care report set



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out some separate recommendations that occur outside of that. I have already made it very clear that certainly one area we will look at when we review the code, which is still in the process of being implemented, is making sure we strengthen the whistleblowing grievance procedures. I said a couple of weeks ago that it is clear we need to do much more to ensure the grievance and whistleblowing procedures are not just part of the legal obligations of the board but that there has to be a cultural issue around that as well.

- Q506 **Chair:** On the FA, Greg Clarke's speech set out the issue that, "People do not listen to the FA because they do not trust us". At the hearing the issue was not that we did not trust them, it was the fact they were in the wrong. It was very clear they were in the wrong. The failing was not a failing of the council, or a failure of the broader culture of the FA, or of the FA board, it was a failure of Dan Ashworth, Rachel Brace and Martin Glenn who oversaw a very tight internal procedure that completely failed and then, rather than recognising that failure, sought to defend it.

While there are plenty of times when this Committee have been critical of the FA council and its broader structures, for once this was not the fault of the "blazer brigade"; it was the fault of the executive team and their leadership. The culture starts at the top, with them.

**Tracey Crouch:** That is the point that I made.

- Q507 **Chair:** Do you not find the situation with British Gymnastics is also an extraordinary position to be in, where athletes that get funding because they are elite status, including Olympic medal winners, are so unhappy with the leadership of British Gymnastics and the culture of fear within that sport, as they describe it, that they are refusing to sign their contracts? Is that not a very worrying position for a sport like that to be in?

**Tracey Crouch:** I believe the "culture of fear" quote is from a former high-performance athlete. The new chief executive of British Gymnastics is working incredibly hard to change the culture and has introduced some of the best safeguarding practices of all of the national governing bodies. I read the reports with interest.

I do understand that this consultation process happens across all the national governing bodies. It does take a month of consultation. It is quite right that the athletes voice their concerns as part of that consultation. I do not believe British Gymnastics is in crisis as has been suggested. Over 50% of the athletes have already signed their contracts. As part of that negotiation they are having continuous discussions on outstanding issues.

- Q508 **Chair:** Probably the reason why they are doing that now is that the only chance they have to speak up is during this consultation process, because there is no other avenue to vent what seem to be very widely-held concerns about the leadership of that sport and some of the leading figures within it who are refusing to sign.



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**Tracey Crouch:** That is why UK Sport, as part of its programme that it set out a few weeks ago, is looking at how to strengthen the athlete voice and how to make sure they have better consultation. UK Sport is also looking at the World Class Performance Programme and the implementation around that. These are all issues that people are aware of. A lot of work has already been done to address some of those concerns.

Q509 **Chair:** When UK Sport appeared in front of the Committee earlier in the year the British Athletes Commission was held up as an example of a place to go. Its budget is £100,000. Do these bodies need a lot more financial support to make them viable and accessible for the athletes who need their help?

**Tracey Crouch:** It is interesting. I am aware of some of the concerns around the Athletes Commission. I have taken some feedback myself on the role of the commission, what more could be done and the perception of it. As part of the mental health work I have been doing with elite sportsmen and women it is interesting that the commission, perhaps for some sports, is not the voice that other sports have on some of these issues. Again, UK Sport has already recognised that and are looking to enhance those powers. Under the guidance of the new chair of UK Sport, who obviously understands these issues from her own personal background, there is a very good chance that will change in the future.

Q510 **Paul Farrelly:** Regarding the Football Association, when Greg Clarke first came before us we were quite impressed and also with the response in terms of, finally, the internal governance. But I am afraid when he came here he launched the most blatantly crass attempt to deflect headlines by having a go at the Professional Footballers' Association.

We can all criticise Gordon Taylor, whose conduct during the phone hacking affair left a lot to be desired, but it was so crass, obvious and blatant that it suggested he really did not get it. Making a speech a week later saying, "I have got it" just begs the question of whether that is just words. What does he need to do?

**Tracey Crouch:** Obviously more Select Committee preparation.

**Paul Farrelly:** I fed you that line.

**Tracey Crouch:** I am not here to defend the way Greg Clarke performed in front of the Select Committee. I watched the Select Committee and read the transcript.

**Paul Farrelly:** You must get out more.

**Tracey Crouch:** I have views on what the FA needs to do in terms of changing its culture. The implementation of the code is very much, as I say, the foundation of that but there has to be a mainstream cultural shift within the FA. You are right, the speech he gave the following week was perhaps the speech he should have given here.



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Q511 **Paul Farrelly:** You have the code. You have a chairman who said, "The code stops me getting involved because I am the chair".

**Tracey Crouch:** He was wrong on that though. That has been made clear.

Q512 **Paul Farrelly:** How has it been made clear?

**Tracey Crouch:** The code does not prevent him from getting involved to check the board is handling things correctly.

**Paul Farrelly:** Has it been made clear to him?

**Tracey Crouch:** Yes, it has been made clear to him.

**Paul Farrelly:** How?

**Tracey Crouch:** By UK Sport.

**Paul Farrelly:** In writing?

**Tracey Crouch:** I do not know about that. He is aware that he was not quite right on that.

Q513 **Paul Farrelly:** In the meantime, this code is out there. However, at the same time, in response to the serious issue within the FA and Eni Aluko, you have the technical director of the FA, Dan Ashworth, and the human resources director, Rachel Brace, co-leading an investigation in which the technical director gives evidence in favour of the person who is being investigated. That suggests they do not feel they have anyone to be answerable to and that they do not get it either.

**Tracey Crouch:** That is why the Katharine Newton report very clearly made that recommendation that the grievance procedure is not independent. There needs to be a recognition that has to change. UK Sport, and others, will be working with the FA as part of the implementation of the governance codes to make sure it does have the correct procedures in place.

There has to be somewhere for athletes to go. I am particularly conscious of people who are competing now feeling they have somewhere to go and not waiting for that point when they are no longer at the whim of a selector to be able to then speak up. It does not matter where you work, you should not be subjected to bullying, harassment, sexual abuse or intimidation. You should have somewhere to be able to go. Sport is not unique in not having those procedures in place, as we know. However, we have to try to ensure that, through the funding mechanisms, we do have those processes in place.

Q514 **Paul Farrelly:** The irony, finally on this, is that Eni Aluko was contributing anonymously to a culture investigation. I asked Dan Ashworth straight on whether he had shown her contribution to Mark Sampson. He said no. There are still questions, even if her contributions were anonymous, whether what she said and the way it was included in



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that report was seen by Mark Sampson and was identifiable because those are the sort of comments that Eniola might make and that potentially led to her exclusion from the team.

Those are questions that are still outstanding. It is not even whistleblowing. If you are encouraged to be open in that way there must be safeguards in an organisation that there will be no comebacks or the sequence of events that have been shown to be awful at the Football Association for its reputation.

**Tracey Crouch:** That is exactly the point I have been making. It is really important we do have those safeguards in place. People who are competing today, performing today at the highest levels, need to know that if they are the victim of harassment, bullying, intimidation or sexual abuse they have places where they can go to raise their concerns, rather than wait to the point where they are no longer being selected or to the point where they feel they might have been deselected because of a grievance. We want to be able to provide a safe working environment for these sportsmen and women because that is what it is. Although there are issues around their employment status ultimately it is a place of work for them and they have the right to be protected in that way.

Q515 **Giles Watling:** I have a very quick question and it is something I am painfully familiar with. If anybody has a passion for what they do then, because they have that passion, they are prepared to go that extra mile. Therefore, quite frequently, they are possibly taken advantage of because they have that passion. That happens in my world of show business as well as sport.

People are very vulnerable. Any code of conduct or duty of care, in my view, should go that extra mile. Would you agree that it is all about communication and keeping in touch rather than sitting back and waiting for people to bring their issues to the fore? You have to keep those lines of communication open at all times so any mechanism you set up must include that.

**Tracey Crouch:** I genuinely agree with you on that. It is important that people are looked after and cared for. I came into politics from a very different background, working in the City. I worked in ultimately a very happy environment and that drove greater productivity. Therefore it is right to make sure we have the right procedures in place that will protect the performer, because that is what they are doing. It is a highly pressurised environment that they operate in. Of course it is, it is all about competition. That means they have to be looked after.

Q516 **Giles Watling:** You, as Minister, will keep an eye on that particular aspect?

**Tracey Crouch:** I already feel like I have done a lot before a lot of these crises even came to the fore, such as setting out the sport strategy, that we would have a duty of care and commissioning the duty of care, and setting out the governance code in the sport strategy. We are now in the



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phase of implementation. On top of all that work, running a whole series of roundtables around mental health and what we need to be doing in terms of that. Also processing and progressing work around safeguarding. We have come a long way forward on safeguarding issues in the last year since the first issues around historic sexual abuse were raised. We are driving forward a lot of change in this area.

**Q517 Julian Knight:** Minister, I am going to go on to accountability at the top but first of all I want to ask you one question on the FA, again. To say they were defensive when they were in the Select Committee hearing is probably the understatement of the century. Do you think they need to basically change their outlook? What would you say to them—friendly advice—if they were here today? What would you say to them in terms of what they need to really do when it comes to situations like this on transparency and disclosure? What would you like to say?

**Tracey Crouch:** Mea culpa, to be honest with you. The fact is that in a speech a week later the chairman made it very clear that they had gone in to defend themselves and to defend the processes rather than address some of the issues that those processes had highlighted. He made it very clear that he thought they had failed in that. It was right for him to do so because they had. Afterwards I used the phrase that, "It was a sorry saga" and the phrase was used that, "It was a mess". It was right that that was laid bare.

The FA needs to learn from its lessons, not just of its performance in front of the Select Committee but the whole affair itself in the first place. Mr Lucas was right in saying they did not have anywhere else to go. Eni, and others, did not feel they had anywhere else to go so they came to the Committee. That should not be the right place.

**Julian Knight:** We are not trained in HR.

**Tracey Crouch:** No, exactly. The press and the Committee should not be the tribunal for these issues. You have to have the right grievance processes in place. If people still feel there is no satisfactory outcome of that then that is the "Where do they go next?" question we are trying to resolve.

**Q518 Julian Knight:** I will move on to accountability and accountability at the top. We have just had British Cycling's Bob Howden extend his term out to three years. There is some talk about now wanting to serve for nine years. We have the Para swimming performance director, Chris Furber, staying in place despite the head coaches'—this is not my words but the independent report's words—"climate of fear" in that particular sport. How does all that fit in with the sports governance code?

**Tracey Crouch:** The code allows for up to nine years, three times three, in terms of term limits. The national governing bodies will be assessed. They will undertake a health check, as it were. If there are concerns about the national governing body and running of a national governing



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body that does fall into the role of UK Sport and Sport England in terms of their assessment.

Q519 **Julian Knight:** Do you think Mr Howden should be talking about nine years just like that or should that be out there, the potential for someone to be there for nine years?

**Tracey Crouch:** I cannot answer that. I mean he has the right to be there for nine years under the governance code. However, that is something UK Sport and Sport England will assess.

Q520 **Julian Knight:** Is there not a danger here that this code effectively gives some senior people within these sports a "get out of jail free" card where there has been wrongdoing which is quite clear? What is now happening is that this code allows the same people to continue in the same roles.

**Tracey Crouch:** No, I do not think that is the case. We are already seeing early examples of how that isn't the case. We saw Jonathan Browning recognise that he was not right in British Cycling for the failings in the past and therefore is not standing forward. UK Sport will continue to have conversations with members of national governing body boards to see whether or not they feel they are right to continue in that respect. I am hoping we will not have major failings going forward as a consequence of changes within the governance, but it is right that UK Sport will be able to assess those failings and make recommendations.

Q521 **Julian Knight:** On UK Sport, we had Liz Nicholl here in terms of accountability. I remember the Chair managed to get this fact out of Liz, that there was one person, I believe, effectively employed on athlete welfare in UK Sport. What do you think about that?

**Tracey Crouch:** That is something they are addressing. I do not know if you have had the opportunity to have a Committee meeting with the new chair, but clearly Katherine Grainger has come in with a very different background and will certainly put the athlete right at the heart of what UK Sport is doing. The statement that was put out a couple of weeks ago makes it very clear that they are looking to beef up the athlete voice and also look at the role of the commission and how it works. There is change happening within UK Sport as well.

Q522 **Julian Knight:** What do you think about the fact there was just one person in place? That seemed to be entirely inadequate. Also there is the suspicion with UK Sport that effectively they have been writing the cheques and letting the individual bodies get on with trying to deliver the medals. That has been the outlook rather than thinking in the round about physical and mental athlete welfare and how they are treated as employees.

**Tracey Crouch:** I am not entirely sure the one person is true. If the Committee allows me I will double-check and clarify that. There are support structures in place for athletes.



**Julian Knight:** They have clearly been inadequate.

**Tracey Crouch:** Clearly they need to be looked at and reformed. That is exactly what Katherine Grainger and Liz Nicholl are looking at as part of their programme of reform within UK Sport. They have made it very clear in the statement they put out that they are going to review the athlete voice so they have a much better role in the programme and the decision making. They are also looking, as I say, at a cultural health check within national governing bodies themselves and setting up a specific sports integrity function. There are a lot of things that are evolving at UK Sport as well.

Q523 **Julian Knight:** Has there been too much autonomy for the sports and not enough oversight from UK Sport over the last few years? It seems to be fairly clear that is the case.

**Tracey Crouch:** I am not sure that is entirely true. There has to be a level of independence between UK Sport and the national governing bodies. UK Sport is not there to run on a day-to-day basis the national governing bodies. However, accountability and transparency issues within national governing bodies will feed back up into the role of UK Sport.

Q524 **Julian Knight:** Effectively does the dial need to be moved on this just a touch, if you like? At the moment the situation with UK Sport is that it has had this hands-off approach. That is fairly well recognised. In the future going forwards—although you do not want something that is really overbearing and therefore very, very centrally controlled—do you want to see the dial being moved and much more involvement from UK Sport in these welfare issues?

**Tracey Crouch:** By the nature and virtue of the governance code and its implementation it will do, because ultimately it all goes back to the funding bodies. Clearly for the high-performance bit UK Sport is the responsible body.

However, it has set out plans in order to make sure it, for example, focuses work on case management of the World Class Programme and looks at progressing a framework of values and things like that. I definitely commend the statements UK Sport has put forward over the last couple of weeks, including the work of the cultural health check. That is going to build on the foundations of the governance code.

Q525 **Jo Stevens:** In your evidence this morning, taking you back to the FA, you have described them handling the situation in the Select Committee and the Eni Aluko case very badly. You said it was a mess. You said Greg Clarke, the chair, was wrong in his assessment that the code prevented him from getting involved in the case. Therefore he has no basic understanding of his role in relation to the code. You said they failed. Are you absolutely sure the chair, the chief executive and his team are capable of effectively leading the FA?



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**Tracey Crouch:** Let me clarify the point about the code because I have now found the precise point in my folder. Greg was right that there is a clear delineation between governance and management and that this is in the code but the code does not prevent him from ensuring that an appropriate process has been followed.

The board's role is absolutely to ensure the management conducts a robust and transparent investigation process. He had misinterpreted the code. That misinterpretation has been corrected. He certainly has the right, within the code, to be able to ensure that the processes have been followed.

I have said it outside of this Committee and I will say it again, it is not for the Minister to say whether or not a chair or chief executive of a governing body should or should not be in place. We will go down a very, very dangerous route if you, Chair, or anybody else wants me to sit here and say yes or no to a chair or chief executive to be fired. If I can fire them, I can hire them. You do not want a Minister of the State to have that responsibility. We sit here as a nation, with people with sporting interests, criticising countries like Russia and China for the closeness their Government has with their sporting organisations. It is not my job to say a chair or chief executive should or should not be fired.

**Jo Stevens:** That is not what I asked you. I asked you whether or not they are capable of leading the organisation effectively. It is not the same question. It is a different question.

**Tracey Crouch:** It is the same question. I have confidence that the reforms that Greg has taken through, which people said when we had the football governance debate earlier on in the year or the end of last year, I cannot remember now.

**Chair:** It was earlier this year.

**Tracey Crouch:** Earlier this year. There was real scepticism, if you do not mind me saying that, as to whether or not Greg and his team would reform the FA to be compliant with the code. He has done that. He has got the reforms through an archaic body, the council, much to the surprise of many. We should recognise the work he did on that.

However, as I said earlier, the Eni Aluko case has rightly tarnished the celebration we have in terms of those governance reforms. What it does show is that there is distance between actions and words. We now have to make sure there is a cultural shift at the FA. Greg Clarke pointed out in his speech last week or the week before that they recognise they have to do that. I think they will.

Q526 **Jo Stevens:** If Greg Clarke does not understand what his role is in terms of governance in relation to the code how can you be confident he is going to be able to deliver effective governance reform?



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**Tracey Crouch:** I think it was an innocent misinterpretation, to be honest with you. It was pointed out that the code does allow him to do that and he now recognises that. Let that be a lesson for all the other national governing bodies who will face very similar challenges at some point I am sure.

Q527 **Jo Stevens:** You have warned or threatened the FA with the prospect of withdrawal of funding about three or four times over the last 12 months, correct me if I am wrong about that. Why have you not taken any action to date in relation to public funding against the FA?

**Tracey Crouch:** Because the code only became live on 31 October and the funding decisions on that will be in January.

Q528 **Jo Stevens:** Are you saying you can only do that in relation to it being linked to the code and you would not do that anyway if you were sufficiently concerned about how the FA was being run?

**Tracey Crouch:** There is a letter that has been submitted to the Committee today that gives a very firm timetable of the process around those funding decisions. Clearly UK Sport and Sport England will have a look at those decisions at their board meetings later on in the year.

Q529 **Rebecca Pow:** Did I hear that correctly, Minister, did you say you sent a letter today?

**Tracey Crouch:** No. UK Sport and Sport England sent a letter yesterday to the Chair.

**Rebecca Pow:** Of what you sent to the FA?

**Tracey Crouch:** No.

**Chair:** The letter is dated 13 November. I only received my copy this morning. It is an update on the processes following the establishment of the sports governance code.

**Rebecca Pow:** That is highlighting to the FA—

**Tracey Crouch:** The sports governance code sets out 58 different requirements for national governing bodies, of which the FA is one. The letter from Sport England and UK Sport to the Committee highlights progress to date on that.

Obviously, in advance of today's Committee meeting on sports governance I think they thought it would be helpful. I have had regular conversations with the chairman about the implementation timetable so there is nothing new in terms of the timeframe within this letter. It is an update, effectively saying how much evidence has been submitted to them and where the national governing bodies, without naming any particular national governing body, are at in terms of compliance.

Q530 **Rebecca Pow:** Thank you. Would I be right in saying that if you were going to put a financial penalty on, for example, the FA for what has been



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highlighted by yourself as a sorry saga that would be in January?

**Tracey Crouch:** First, UK Sport and Sport England need to have these discussions with the FA. It would be unfair of me to pre-empt that. We have to recognise you would be retrospectively applying a fine to the FA on a code that had not yet been implemented.

What we have asked the FA to do is to comply with the code that has been set out. It had until 31 October to set out all of its plans. The Eni Aluko case obviously happened while the code was not in place. Clearly that is a discussion that has to be had when it goes through its discussions as to whether or not it has a plan for those grievance procedures to be implemented.

Q531 **Rebecca Pow:** Although the Government passed the motion in 2016 in relation to governance and, I believe, Secretary of State, you said the FA might lose the £30 million it is given if it did not improve. That was an empty threat?

**Tracey Crouch:** Parliament passed the motion. It was a Back-Bench debate initiated by the Select Committee. The threat is certainly not empty. It is just whether or not it applies to this particular case.

Q532 **Rebecca Pow:** You referred earlier to sorting the code out and that the governance might be a resolution to lots of the issues we have had reported to this Committee. Do you think a financial penalty would be a good resolution to really show these governing bodies that there are very severe consequences to not getting your house in order?

**Tracey Crouch:** We have been very clear on that, that public funding comes with adherence to the code. Public funding is set over a three year cycle. A body that wishes to apply for public funding has to have the governance code structures in place. They have to be implemented or have a plan of implementation. That work is beginning now.

Q533 **Rebecca Pow:** How do you think the FA, as an example, is looking on its conduct and code adherence so far?

**Tracey Crouch:** The letter has not named any individual national governing bodies at this particular stage. However, we already know that Greg Clarke and the FA have implemented changes to the governance codes, particularly the ones that were particularly challenging to the FA in the past such as term limits—no vice-presidents, no life presidents— independence, a plan for better diversity on the board and so on. That has already been publicly acknowledged that they have met the governance code.

Q534 **Rebecca Pow:** Thank you. Finally, one of the pillars is to protect value for money for the public in terms of the money you give to sport organisations. Do you think, Minister, we have been seeing value for money when we have highlighted all the reports we have had to this Committee? Do you think the public has been well served?



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**Tracey Crouch:** There is a difference between value for money and values.

**Rebecca Pow:** Given that boards like the FA and the British Paralympics Organisation get the most money, they are the tier 3 guys.

**Tracey Crouch:** The values are something we have been discussing in terms of the change in culture.

Regarding value for money, the FA has had a significant amount of money in the past in order to ensure we have better facilities, develop grassroots football, support the women's game and games for people with disabilities. We have seen an increase in participation in some hard-to-reach groups. The FA has delivered on that.

Q535 **Chair:** To clarify one thing—I know we have spoken quite a lot about Greg Clarke and what he should or should not have done—the specific issue about the governance code is in relation to the letter he received from the PFA to which he famously replied, “What has this got to do with me?” From what you are saying, Minister, it would have been perfectly proper for him to have read what he had been sent and to challenge his own people and say, “Are we investigating this properly? Are we making sure we are doing all of this right?” It would have been perfectly acceptable within the spirit of the code for him to respond in that way.

**Tracey Crouch:** There is certainly nothing in the governance code that would have prevented him from doing that.

Q536 **Giles Watling:** What assessment has the Government made of whistleblowing? “Whistleblowing” as an expression is something I abhor in a way because it smacks of sneaking. It should not be like that. There should be a positive route for those not in positions of power to air their grievances or concerns. How do the whistleblowing procedures, if I can call them that, for sporting organisations compare with procedures in other sectors such as the NHS?

**Tracey Crouch:** I do not think they compare at all. I was doing a bit of research into this because we do not have whistleblowing legislation in this country. We have a whole series of different employment practices. Whistleblowing is by and large in the public interest. If you look at the list of organisations that have those protections they are very much the public sector organisations such as the NHS.

Bullying, intimidation and harassment do not fall into whistleblowing legislation. They fall into a grievance procedure, which is a separate part of employment legislation. However, as the Chair has pointed out, if you are not an employee of an organisation then that legislation may not apply to you anyway. What we have tried to do is to set up grievance procedures separate to employment legislation. It is slightly complex.

Q537 **Giles Watling:** Surely you can lift from employment legislation some of that?



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**Tracey Crouch:** Every intention is to, and to make sure that they are the best to encourage people who are within the system now to be able to come forward. As I have said during the session, the thing that worries me is that a lot of the issues we have seen raised over the course of the last 18 months have been raised by people who are no longer within the system themselves.

Q538 **Giles Watling:** Who had no course to go through, yes. Greg Clarke told this Committee an extraordinary statement that, "Nobody in UK Sport has decent whistleblowing procedure, nobody, no national governing body". What do you make of that statement?

**Tracey Crouch:** I do not know if that is true. There are national governing bodies that have very good safeguarding procedures in place but that is not the same as whistleblowing. We need to make sure we do enhance duty of care, whistleblowing and grievance across all national governing bodies. We recognise that and that is why it is in the code. It is explicitly written in as a mandatory requirement. That is something that will be developed.

I said recently that although it was written into the code in October last year clearly what we have seen over the course of the last 12 months means we need to really beef that up as well. I have spoken to UK Sport about making sure we do enhance that as an area of work going forward.

Q539 **Giles Watling:** UK Sport are responsive?

**Tracey Crouch:** Yes, absolutely. This is work that is underway but, of course, we will reflect on what the Committee puts forward in its recommendations as well.

Q540 **Chair:** On that point, is there any national governing body you would hold up as an example of good practice in this area?

**Tracey Crouch:** On whistleblowing? I cannot think of one off the top of my head.

Q541 **Chair:** In managing grievance procedures in general?

**Tracey Crouch:** There are national governing bodies that are getting better at it. Ironically, despite your earlier comments, the new chief executive of British Gymnastics has put much better practices in place. In terms of safeguarding, for example, we know that there are NGBs that have absolute gold standard safeguarding procedures in place. It is basically making sure that they have better overall holistic procedures in place.

Q542 **Brendan O'Hara:** I have a few questions on cultures of fear, bullying and harassment but before I go to that I would like to go back to something you said about the FA, if I may?

You have spoken often today about the speech the chair of the FA gave a week after he appeared before this Committee. You have said repeatedly



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that it should have been the speech he gave to this Committee. My question is, are you absolutely convinced that he had this road to Damascus-like conversion in the space of seven days or—like many others and probably many sitting around this table—do you not feel he simply had a damage limitation speech thrust into his hand and has been sent out to stave off of a crisis and, in fact, the real FA was the one that revealed itself in front of this Committee the week before? Given that, do you have 100% confidence the people in charge of the FA are the people who are able to deliver an acceptable level of governance?

**Tracey Crouch:** You should perhaps give yourselves a bit of credit in terms of the conversion of the chair and his views. I think he rightly was disappointed in his performance and reflected on that. My instant response to the Select Committee hearing was that it had been a “sorry saga”, I think were the words I used, and that lessons needed to be learnt from the whole affair, not just their appearance in front of the Select Committee. I would hope that your criticism, as a Committee, my criticism and that of the outside individuals involved did lead him to rethink his position on the future culture within the FA. He was rightly castigated for a lot of the things he said at this Committee. He has set out on a new programme of reform within the FA.

A cultural change takes time. As I said earlier, I think there are people out there who want to help him and the rest of the FA with those reforms. Eni Aluko herself has said she wants to be a part of that discussion. I hope they will listen to her and take her on board, she has a lot to offer.

Q543 **Brendan O'Hara:** For absolute clarity, are you absolutely convinced therefore that this cultural shift did occur?

**Tracey Crouch:** The cultural shift will take time. Within the space of him appearing in front of this Committee and what he set out the week later I think he has recognised very clearly that there is a lot of work that needs to be done. It is right that his experience at this Committee has led him to that point.

Q544 **Brendan O'Hara:** Therefore the board of the FA have your confidence that they are the people to get this right?

**Tracey Crouch:** I am sure the board of the FA are watching what the Committee says in terms of the inquiry and will look at the recommendations within that inquiry. It is a good step if they deliver on what he set out to the council. Culture changes constantly. It has to be something that continues to evolve.

The FA is not alone in this. They are always the ones that we focus a lot of attention on. Like you say, it is the national game, but it is important that the FA drives cultural change in the FA because that too will drive cultural change in other national governing bodies, in the same way that they might not have been the leading ones to start the reform process to meet the governance code compliance. Then, as soon as the FA met the



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governance code compliance they suddenly thought, "Okay, we need to now meet the governance code compliance because we do not want to be the bad boys when it comes to all this".

I said before with the Chairman—and in the run-up to the debate that we had earlier on in the year, which was about football governance—you could have removed, "Football" and put in, "Other sports". The good thing about the code is that it sets out structures for all national governing bodies, none of which is exempt from it or necessarily targeted by it. Cultural change will take some time, and people who have offered to help change culture within the FA, I hope, will be considered as useful allies.

**Q545 Brendan O'Hara:** Thank you. You said earlier to Mr Farrelly that athletes should not have to wait until they retire to feel that they are able to speak out. Sadly, that is still too often the case. This Committee knows—we have been looking at the classification of Paralympic athletes—that we have received many submissions from people who ask to remain anonymous, for fear of professional or personal repercussions. What is your view about the culture of fear in Paralympic sport, and where does the responsibility lie for that?

**Tracey Crouch:** We have seen headlines about culture of fear across both Olympic and Paralympic sport and in non-Olympic and Paralympic sports as well. As I said to Mr Farrelly and to Mr Knight, it does not matter where you work, you should not fear your place of work.

You should not be a victim of harassment or intimidation or bullying and, therefore, we have to make sure that we have the right procedures in place. I am confident that, with the code, with what UK Sport is doing in terms of the health check—making sure that they have specific integrity functions, that they have proper whistleblowing procedures into unacceptable behaviour—these are all areas that will change over the course of time.

**Q546 Brendan O'Hara:** What, then, is the Government's role in ensuring that athletes in any sport, in any discipline, do not feel bullied or intimidated or harassed about coming forward with a genuine complaint?

**Tracey Crouch:** We have set out, right from the start, going back to the sport strategy back in December 2015, supporting our athletes is of paramount importance. They are the ones who go out there and inspire the nation; they do so in a very highly-pressurised environment but that pressure should not come at any cost, they have to have the support structures in place, which is why we set out the duty of care report, which is why we are now looking at the recommendations.

We have been there before many of these high-profile cases came to the fore, and now, even though we have gone a long way forward, we recognise, in light of the cases that have come forward, in light of the issues around culture of fear, that there is still more work that needs to



be done. We will work with our institutions, like UK Sport, to make sure that happens.

- Q547 **Brendan O'Hara:** We have heard many times on this Committee senior officials who use the power of selection and funding in order to intimidate or to ensure that people do not speak out. How can we, as a society, and you as a Government, ensure that there is sufficient scope for people to speak out in face of such career-ending consequences?

**Tracey Crouch:** We have to do that across many industries, and sport is one of those. I do not think that sport is unique in this. We can see that from recent examples here in Parliament. We need to make sure that there is a proper framework of values and behaviours for high-performance sport—and I think UK Sport is doing that—and, through the governance codes, which have the financial carrot and stick, to ensure that the board recognises its legal obligations to provide whistleblowing and grievance procedures.

We need to make sure that there are regular health checks within national governing bodies and that the athletes and the high-performance sportsmen and women have a voice in determining the future of that. I believe that UK Sport is taking that forward.

- Q548 **Brendan O'Hara:** When Eni Aluko spoke to this Committee, she said that, in her case, if she had been a male England international footballer, her case would have been dealt with very differently. Was she right? Generally, what is the Government doing to combat gender inequality in sports?

**Tracey Crouch:** I do not know specifically whether Eni is right or wrong about the—

- Q549 **Brendan O'Hara:** Do you suspect that she may be—

**Tracey Crouch:** We are doing a lot of work to tackle gender inequality in sport. Women's sport is something that I have been passionate about. I have been involved in women's football for well over a decade as a manager and a coach, and I have played for a lot longer than that. Women's sport, women's football, has come on in leaps and bounds since I was a teenager and we do need to recognise that.

Gender equality, discrimination and employment, issues like that—again, it is not unique to sport—is something I have a responsibility for trying to make sure that it does not happen in sport, but Government, politicians, everybody, has a responsibility to try to make sure that we address the gender imbalance across all industries.

- Q550 **Brendan O'Hara:** Can you speculate, if the FA had been approached by, say, Harry Kane, as opposed to Eni Aluko, do you think their approach would have been the same?

**Tracey Crouch:** I am not going to speculate on that, I do not think it is appropriate.



**Brendan O'Hara:** Thank you.

Q551 **Christian Matheson:** Following on, Minister, from those questions from Mr O'Hara, the impression I get from throughout this inquiry is that, when we are considering the problems that flow from failures in governance, in lack of governance, there seem to be a disproportionate number of those problems that relate to harassment or discrimination. We have talked about race discrimination and what we have heard about sex discrimination and harassment in cycling, for example. Do you think that impression I have is correct, is fair?

**Tracey Crouch:** Most of the high-profile issues over the course of the last 12 months have involved some form of harassment, bullying or intimidation.

Q552 **Christian Matheson:** Why do you think it is the case that a lack of governance leads to these kinds of problems?

**Tracey Crouch:** I do not know. I find it as bizarre as everybody else. Most of us have worked in outside organisations with a level of HR support that would allow us to take up those grievances in a proper way, while we were still working and operating within that environment. This is why we set out, right at the start—nearly two years ago now—the sports strategy, which set out the duty of care report that allowed us to develop the Sports Governance Code, to go away and look at some of the problems and come up with some of the solutions to that.

Q553 **Christian Matheson:** I did not know the answer either, quite frankly, it was an impression I had that was profoundly depressing, but I was not sure why. Listening to colleagues on the Committee, and your own evidence from earlier, I wonder, this idea of a lack of employment status and employment protection, and therefore the protections that flow from that—as well as a fear of not speaking out, perhaps losing a place on a team—whether there might be several reasons that all come together to make this a more acceptable phenomenon than it would be in other workplaces?

**Tracey Crouch:** That is quite possible, but I also think that there are additional issues around the competitiveness and the highly-pressurised environment in the industry that we are talking about here, particularly for our elite Olympic and Paralympic athletes, or for your elite sportsmen and women.

I know we are talking about elite, but can I also say that these governance codes around whistleblowing and grievance procedures are also there from a grassroots perspective. People have to have those mechanisms in place throughout sport and, while it focuses very much on some high-profile, elite men and women, we want to make sure that we have good governance across all of sport.

Q554 **Christian Matheson:** It has been quite a depressing inquiry, because we have seen many of the problems, many of the failings in governance. Do



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you have a list of where you think sports umbrella organisations, or the governing bodies, are doing well? The Chair asked before about whether there was good whistleblowing, but do you have any ideas of good practice or, indeed, best practice?

**Tracey Crouch:** You are right to be depressed by some of the issues that you have discussed over the course of the last few months, because it has highlighted some of the failings within sport and sports governance, and that is what a committee does, and that is, rightly, what the focus should be on. At the same time, we have much to celebrate in terms of sport in the country at the moment and we have a huge amount of successes that are not being reported and not being focused on. National teams, Team GB teams—

Q555 **Christian Matheson:** That is in terms of performance, Minister. I mean looking at governance: are there any sport bodies that you think, “They have done really well”, either in terms of improvement or in terms of the existing arrangements?

**Tracey Crouch:** That is my point, because we are all focusing so much on some of the key failings, we are perhaps losing sight of some of the other governance reforms. The point I made to the Chair earlier—and I have made several times throughout this inquiry—is, if you do take a look at the Football Association, in terms of what they have done to meet the new code, everyone said they would not do it.

Everyone wrote off my approach of taking money away from governing bodies. You will recall from the debate, there were quotes from life presidents of the council saying, “We do not need your money”. That was not the case. The Football Association did come to the view that they wished to continue to receive lottery and public money in order to continue to provide grassroots facilities; that they do want to continue to engage in this. They have met the core mandatory requirements of the governance code, which is why it is disappointing that, over the course of the last few months, the issues around discrimination, around harassment, have tarnished some of that success.

All the major governing bodies have met the core aspects of the governance code, and more will come out about that over the course of the next few months. It is about action, not words; it is about the implementation. It is about driving change in the culture in these national governing bodies, and that will happen over time.

Q556 **Christian Matheson:** What mechanism is there for sharing best practice between the different governing bodies? Could you say, for example, to the RFU, “Look at what the Rugby League does” or say to aquatics, UK swimming, “Look at the England and Wales Cricket Board”?

**Tracey Crouch:** They do that a lot already and with the UK Sport setting up a sports integrity function that will help as well for United Kingdom Sport-funded sports. For example, they share a lot of best practice across



safeguarding across the sports. There are still different levels within national governing bodies, but they do share the best practice.

**Q557 Christian Matheson:** One final question, Chair. You have talked about the different levels of governance, about the grassroots, which we have not touched on as much, and then there are the national governing bodies and the umbrella sport organisations.

One of the other areas that we have looked at in the last few months are the international bodies, as well, which presents a thornier problem and perhaps a different problem of governance. Do you have any plans to encourage how we as a nation, or our representative national governing bodies, might seek to improve the governance of international bodies?

**Tracey Crouch:** The last couple of paragraphs in the letter that you would have received in advance of this Committee makes it very clear about the international sports governance ambitions. The sports strategy set out that we wanted to have a gold standard of sports governance for our national governing bodies and we have made a great deal of progress on that. For the international sporting landscape the letter makes it clear that it is a much harder task because of the very nature of the beast, because it is not just about international federations, but then there are also global organisations on top of those international federations. There are international governance reforms objectives that the UK is pursuing and, as a nation, with the sporting sector behind it, there is a lot of influence in terms of trying to change governance.

I can say, though, that since Rio I have had many sports ministers from around the world come to see me trying to get the secret of our success at the Olympics and Paralympics. The one thing we always get on to talk about is governance. They have been rather struck by the process of our governance reforms.

There are countries that aim to see whether or not they can emulate that and whether or not that, in turn, would help them with the influencing of the international federations. It is a global conversation, it is a much harder conversation, but my view—and I am sure it was a view of the Chairman as well—is that we did not have the right to criticise the likes of FIFA when our own football association did not have best governance practices. Now we have those in place, I think we have a stronger voice in terms of constructive feedback as to how we can reform other international organisations.

**Q558 Paul Farrelly:** I wanted to explore, Minister, while we have you here—and we get you all too rarely—the issue of funding, because when we have been looking at the issue of classifications in Paralympic sports and the accusations, proven or unproven, of cheating, it all seems to come down to the win-at-all-costs mentality. There is possibly an argument to say that may have gone too far.

I want to in a few moments—you will not be surprised at this—raise the issue of wheelchair rugby funding with you. I will declare, I am the club



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Captain of the Commons & Lords RUFC, but wheelchair rugby is a completely different sport—it is rugby but not rugby as we know it, Jim, as might have been said. It has had its funding entirely cut by UK Sport and, yet, is one of the top five teams in the world. It was one of five sports that previously had UK Sport funding for Rio that was cut and several sports did appeal.

This was the response of the Chief Executive of UK Sport to the seven sports whose appeals failed. She said, "The sports that made representations were unable to provide any critically compelling new evidence that changed our assessment of their medal potential for Tokyo. Their position in our meritocratic table, therefore, remains unchanged and they remain in a band we cannot afford to invest in". Do you think UK Sport's ruthless approach is right or does it bear some examination?

**Tracey Crouch:** What I would say to start off with is we have to remember where we were to where we are now. We went from 36 in Atlanta to third in the medal table now, and second in Paralympics. No compromise has been approached, in terms of driving medal success, has been important, but I have always said that it should be no compromise, but not at any cost, and that is where the cultural aspects come in. You cannot use "no compromise" as an excuse to drive intimidation, fear, harassment, or anything else.

In terms of the specific funding question that you ask for wheelchair rugby, which, as you rightly pointed out is not really rugby but I think "Murder Ball" was not considered a marketable tag.

Q559 **Paul Farrelly:** "Smashing wheelchairs around the world since 1977".

**Tracey Crouch:** It is right that UK Sport makes these decisions on a meritocratic basis. It is also right that there is a process of appeal. There is an independent process of appeal after that, which none of the sports that had their funding removed appealed to through Sports Resolutions UK. Ultimately, no formal appeals were received.

I do know that the new chair has sat down with all of the unfunded sports and had a conversation with them about their future. This is not the first time it has happened and other sports have had funding cuts in the past. I appreciate this is slightly different, because they have had a removal of funding, but it is something that UK Sport is looking at and how it can support.

Through the work of the Sports Business Council we are also looking at how we can drive economic investment in sport. The group itself has created a group called Every Sport Matters, and I think that is about trying to ensure we enable those sports to find other financial opportunities of support. To be fair to the RFU, despite the fact that it is not rugby, they have provided investment and they continue to provide some of the administrative support for wheelchair rugby. I just hope through support from yourselves, and other celebrities, that they can find alternative investment.



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**Paul Farrelly:** You are trying to provoke me. Had you finished?

**Tracey Crouch:** Yes.

Q560 **Paul Farrelly:** I am just picking wheelchair rugby out as one example, because David Pond, who has been quite outspoken—and rightly so—has talked to me about this. I have looked at the press cuttings and I cannot see, in all this, that the British Paralympic Association, certainly publicly, has been terribly supportive, but then Tim Hollingsworth, its chief executive, was the chief operating officer of UK Sport in his previous role. So it is a small world in which people may not wish to rock the boat. This is big business nowadays, including Paralympics. Your answer did not quite address the central focus of my question: do you think it might be time for a review as to whether this ultra meritocratic, ruthless in the end, approach is now right?

**Tracey Crouch:** Katherine Grainger has already said that she will be looking at this as part of a general review of what it is that UK Sport does, and I think she is right. She is the new chair. The no-compromise approach has worked in terms of medal success.

Clearly, there are some sports that suffered the consequences of that but it does drive change and innovation within those sports. Those sports that in the past have had cuts because of issues within that national governing body or within the medal process, have quite often changed the way they operate and have gone on to greater success; swimming and gymnastics being classic examples of that.

Q561 **Paul Farrelly:** But there is no suggestion to say this example of wheelchair rugby is affected by those issues?

**Tracey Crouch:** I do not know the specific details of—

Q562 **Paul Farrelly:** I do not want to go on too long but it has a bearing on what we are looking at. We could all have a debate about how many medals it would take to make a nation feel proud, and which position in the medals table, or what it takes to inspire the country but there are other sources of inspiration as well.

Just taking wheelchair rugby, the Afghan veteran whose legs were blown off after his vehicle hit a landmine, four years later, after all that, is now in the Great Britain team after a remarkable comeback. The captain of the team was one of the most promising young golfers in the country but, at 19, he was paralysed in a car accident, and now he has fought back and he is the wheelchair rugby captain. Yet, these great people, source of great, inspiring stories, now see their future and what they have struggled for taken away from them, even though they indeed have a prospect of winning a medal at the next Olympics.

**Tracey Crouch:** Paralympians are hugely inspiring. We saw, in the run-up to Rio last year, with adverts like Channel 4's "Superhumans", that overcoming the challenge and the adversity is something that goes on to greater inspiration. I understand the issues that you are raising; it is a



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matter for UK Sport to make the final funding decisions on these things. It is quite right as well for the Minister not to have any involvement in that, but I think Katherine has already held a roundtable with the CEOs of those sports. They are keen to make sure that they continue to support those sports in a way that they can, encourage alternative means of investment.

That is what the Sports Business Council is set up to do as well: to try to ensure that we look at a long-term sustainable financial future around some of these issues. There are other opportunities around presenting a case for investment at points in the future. It is not a closed book. I would encourage David and the team at Wheelchair Rugby to continue having constructive conversations with UK Sport.

**Q563 Paul Farrelly:** A couple more questions, Chair. After talking to David Pond, I looked down at the amounts individual sports get. Some of the sports have been very successful: equestrianism, rowing, to take two examples—who get some of the largest amounts of money—you would not call the most socially-inclusive of sports. After rowing, £32 million, cycling, a very successful sport, gets £30 million, which is £10 million more than athletics and yet, in itself, is a very lucrative sport with a great funding base. Before Tokyo, £345 million against £347 million for Rio—only £2 million difference—you wonder, when the amounts are roughly the same, whether some sports, like cycling, could be asked to look more to their own resources so that sports that have missed out, including wheelchair rugby and others, get a fair shout. It begs another question as to whether the whole way sports are funded should be looked at again.

**Tracey Crouch:** That is certainly something that the unfunded sports have made their own views very clear on as part of their Every Sport Matters group. You would need to be careful not to compare apples and pears—

**Paul Farrelly:** I am comparing pounds and pounds.

**Tracey Crouch:** —or bikes and runners, because clearly, there are different levels of equipment investment and differences in things like the support structures around the sports. It is important to look at that. The chair has had open and constructive discussions with the unfunded sports, and I would encourage them to continue to do so.

**Q564 Paul Farrelly:** I would encourage them to go down the independent route of appeal. Maybe they feel that is a closed door, given—

**Tracey Crouch:** But they did not.

**Paul Farrelly:** Well, I am going to encourage them, as you are, and to fight their corner.

**Tracey Crouch:** I am not sure that it is still open to them.

**Q565 Paul Farrelly:** Let me give you one more issue, it is one of consistency and not leaving people in the lurch, which reflects on national pride as



well. The UK supported Wheelchair Rugby's initiative to create the first level of Wheelchair Rugby World Cup to be played alongside the Rugby World Cup, and that has happened.

Yet now, by pulling the funding, when they wanted to go to Tokyo in 2019 for the Rugby World Cup, they may not now be able to go. There is a consistency issue there that you would have hoped, if UK Sport was as good as its word in smoothing transitions, meant that is not an issue.

**Tracey Crouch:** I will ask the Chairman, if it is okay, that UK Sport replies to you directly on that. It is a level of technical detail as to why that is not the case, so it is best if—

**Chair:** We can write to UK Sport.

**Paul Farrelly:** I am finished in my pitch for rugby-not-as-we-know-it, but when we conclude this inquiry into sports governance and people have stopped feeling sported out, maybe the funding of UK sports is something we might return to in a future inquiry, Chair.

Q566 **Chair:** Thank you. I want to ask a final few questions on doping in sport and the Government's review of the criminalisation of doping in sport. As you know, we intend to produce a separate report on doping in sport, which we will be publishing shortly.

Looking at what some of the notes contained in the Government's report, on the scale of doping, the report cites the WADA testing data, which shows that 1.5% to 2% of drug tests have an adverse result. That is a very low figure; that is the only figure that the report quotes. Do you think that has been selected because the Government considers that a fair reflection of the level of doping in sport?

**Tracey Crouch:** I am not sure what you are trying to imply.

**Chair:** To make it easier, the IAAF prevalence study of doping in athletics—and that is just their study—had it at 14% of the average, based on surveys of 5,000 athletes.

**Tracey Crouch:** When was that dated? I think our WADA report was a very recent figure, so I do not know when the IAAF figure was released. Yes, it is obviously a WADA figure, so we do think that is the case, though.

Q567 **Chair:** Further to their testing, of course; those are their test results, but when the Committee went through this, many people felt that the IAAF's prevalent study was somewhat generous in understating the level of doping within sport. Certainly, the idea of it being 1.5% to 2% of athletes who might be doping, a lot of people think bears no reflection to what was happening on the ground.

I also notice in the report that it says in regards to sanctions that there was a view that the increase from a two-year ban to a four-year ban for a first offence may have made it overly harsh in some circumstances. Do you agree with that?



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**Tracey Crouch:** Yes, because it is a published report, but there may be some cases where there are mitigating circumstances where a four-year ban might have been considered too harsh. Ultimately, we think that the four-year ban, which effectively rules you out of an Olympic cycle, is the right level, which is why we came to the conclusion—which I know is a view contrary to your own—that criminalisation was not the right way forward, because the sanction that was in place was more punitive than what it would be necessarily under a criminal procedure.

Q568 **Chair:** The report says that, of the people that were interviewed, none of them were in favour of criminalising doping in sport but they did not interview any national governing bodies, did not interview any athletes. I think the only sporting body that was interviewed was Sport England, rather than UK Sport. Do you think the balance of people that were interviewed necessarily was a fair representation of people who understood the issues?

**Tracey Crouch:** Yes. The criminalisation review was something that we conducted over a period of time. It is running alongside a tailored review into UKAD's efficiency and procedures. We consider it to be a thorough review and, as up until your question, we have received no negative feedback on the review, though we will continue to monitor that feedback. We did think that the review was conducted over a period of time and was done in a thorough and thoughtful way.

Q569 **Chair:** I just ask because, for example, Nicole Cooke gave evidence to the Committee on criminalisation. She was very clear that she felt criminalisation was appropriate, and the reason for that was based on her own experience in sport, and particularly cycling for an Italian-based team.

Investigations that led to the arrest of a coach were only possible because of the criminal sanction that applied: that a police investigation can access information, documents, conduct a surveillance operation, that no anti-doping authority is capable of, and that UKAD do not have the force of. A quote from her written evidence says, "If William Dazzani had operated in the UK rather than Italy he would still be running doping rings, producing tragedy and misery in so many of those around him".

**Tracey Crouch:** We have liaised with and discussed the criminalisation report with UKAD—and that is not feedback that we had received from them—along with the tailored review to say that we are looking at the efficiency and the effectiveness into UKAD, and we hope to publish that shortly.

Within the recommendations of the criminalisation review, we make it very clear that we will ensure better support for the anti-doping investigators, that we will allow or encourage UKAD doping control officers to gain access to all sporting events to enable random testing at competitions, and so on. We feel like we are strengthening the hand of UKAD.



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One of the things that we thought was not appropriate, in terms of the criminalisation, was the extra stretch on the police to be able to do that. We both know from our own respective counties that police services are under enormous pressure and in terms of where would the public focus be, the length of an investigation or the role of the police would not be potentially the right way forward in this.

Q570 **Chair:** Do you accept though, if the police have those powers, if doping and supplying and aiding and abetting doping in sport was a criminal matter, the police would have clear powers to investigate, that we would probably see more prosecutions?

**Tracey Crouch:** There are already powers under the Misuse of Drugs Act, and so this is the foundation of levels of legislative support there from the supply perspective, but what we are looking at is anti-doping procedures for those who are performing. We did not feel that the criminalisation route was the right way forward and, instead, we wanted to enhance the measures around anti-doping, and make sure that there is better access, there are better control opportunities, also better information for those competing athletes.

Q571 **Chair:** WADA made a statement in 2015 on the criminalisation of doping in sport. I think it was round about the time of the WADA independent review and the cause of people like one of your predecessors, Colin Moynihan, for criminalisation. In their statement, they said, "The ADC acknowledges that countries that have introduced criminal legislation for doping have been effectively capturing athlete support personnel for the possession or trafficking of performance-enhancing drugs. It seems that, given the threat of being imprisoned, these personnel are often more co-operative with anti-doping authorities, as we have seen evidence of in Italy".

**Tracey Crouch:** WADA, UKAD and UK Sports supported our recommendations around not criminalising a sport. We also need to cast our minds back to 18 months ago, I think it was, when WADA issued a watch list, of which there were countries with criminal sanctions in place. It is not the perfect system and I think that we are taking a proportionate approach to this issue. We have strong sports sanctions in play. We recognise we cannot stand still and the review recommends other potential improvements in this area.

We did not come to the conclusion that criminalisation was the right way forward, nor did we think that, by criminalising it, it would necessarily have the same level of sanction in place. There are lots of flaws within that, for example, someone could still be competing while under investigation, given the length of time, and, if they were to be found guilty, what would their punishment be? Would it be through a custodial sentence or elsewhere? In the meantime, they are still competing, whereas the system that we have in place at the moment removes them from that environment.



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Q572 **Chair:** People can be part of a sporting investigation for a very long time as well and still competing while they are being investigated. The issue seems to be about, if it is a criminal offence, it is far easier for the authorities to gain access to financial records, medical records, surveillance operations against known suspects, where UKAD just do not have the legal power, or the resources, to do that themselves.

**Tracey Crouch:** That is one of the things that we are looking at as part of the tailored review.

Q573 **Chair:** WADA also said in their statement on criminalisation that, "WADA and its partners in the anti-doping community do, however, encourage Governments to introduce laws that penalise those who are trafficking and distributing banned substances; those individuals who are ultimately putting banned substances into the hands of athletes. This is a commitment that Governments have made to ratify the UNESCO International Convention against Doping in Sport". Do you feel that your Government are complying with this recommendation from WADA?

**Tracey Crouch:** Certainly with the legislation that we already have in place in terms of the Misuse of Drugs and Medicines Act 1967. In terms of the supply aspect, we are looking at the issues around the convention.

Q574 **Chair:** Do you think UKAD has the resources it needs to do the job it does?

**Tracey Crouch:** That is one of the things we are looking at as part of the tailored review.

Q575 **Chair:** There is just one other thing on this I want to ask about, which is relating to fraud. Lord Moynihan, when he first raised this issue, said he thought that athletes were being defrauded by competing against athletes that were doping. In your report it says, "Above all, there is the need to prove, beyond reasonable doubt, that the doping took place intentionally with regards to an athlete". Do you think athletes are doping unintentionally?

**Tracey Crouch:** That is legal jargon around the balance of probabilities and issues like that. We need to make sure that our athletes compete on a level playing field. It is one of the whole reasons around ensuring that we have the best anti-doping practices, not just here in the UK but around the world. UKAD continues to play an important part in WADA in delivering that.

Q576 **Chair:** Most people think people doping in sport are doing so intentionally. The note of caution here on whether it could be regarded as fraud also says that, "It would further need to show that there was intent for financial gain". It is quite clear that people competing are competing for financial gain.

I do not often pray in aid of Lord Coe, certainly in this inquiry, but when he appeared in front of the Committee, he said, "I do not think that there is any great argument around whether or not athletes are being



defrauded; clearly, they have been". I feel that the statement made in this report is not very strong at all in considering that a doping athlete is defrauding other people they are competing against by cheating.

**Tracey Crouch:** I would agree with that, that is the case, and that is why we are trying to make sure that we strengthen the procedures that are in place in order to ensure that athletes are competing on a level playing field. We have to know that our athletes, many of whom have spent almost their entire lifetime getting to the point of elite performance, are not cheated out of that first, second, third place.

Q577 **Chair:** On those two points I raised with you—the question on fraud, are they doping intentionally and are they doing so for gain—you, I think, accept that athletes who dope are doping intentionally and that they are doing it for gain. The report says "It will be easy for a competent defence to defeat both those cases, both those points, and the review did not see any evidence for successful prosecution for fraud as a result of an athlete abusing performance-enhancing drugs". I do not believe that; I do not think you do, either.

**Tracey Crouch:** What we are trying to say is that we looked at all of the evidence. It was a thorough review into the issues. Contrary to what you originally said, UKAD did support us. They did not feel that criminalising would aid the battle against drugs in sport and we felt that it was important to listen to the experts in the field. We have not just said, "Right, that is it. We are not going to criminalise" and just leave the system as it is. There is a whole series of recommendations that will be considered to ensure that we do have robust anti-doping practices in place.

I stand there, as I know others do, on a media platform saying that I think that UKAD is one of the best anti-doping agencies in the world. As part of this review and as part of the tailored review, I want to make sure that continues to be the case. We know that UKAD has been drawn on for its expertise in other countries—Russia obviously being a prime example—to ensure that best practice in anti-doping is in place. While we did not feel that criminalising doping would aid the fight against doping, we need to make sure that there are all the other procedures in place that do. We are not standing still on this, and this is an area that will continue to evolve. Many of your other questions will be, I hope, answered when we publish the tailored review.

Q578 **Chair:** I do think as well, given this initial review that was published and given the evidence the Committee has taken on doping in sport, it is disappointing that there was no evidence sought from athletes who have experience of doping in sport, either personally or people they have competing alongside, who understand, as Nicole Cooke does, the pressures that they face. They have seen at first hand the difference it makes when the enforcement authorities in different countries have legal power behind them.



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Just looking from the published list of organisations that were interviewed, there are law firms, there is the Serious Fraud Office, National Crime Agency, UKAD and WADA, and a few others. Sport England is the only sports body and there were no athletes. I am not sure whether that has given the breadth of evidence that would have been necessary.

**Tracey Crouch:** That was the interview process, but there was a separate engagement process. Let me double-check the point about athletes' engagement on that and I will write back to the Committee on that.

**Chair:** Okay. Thank you for that. I think that probably concludes our questions this morning. Thank you very much.