

Children in Scotland's response to the Justice Committee call for evidence on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

25 August 2011

Children in Scotland is pleased to contribute to the debate, initiated by this Bill, about how to both prevent and deal effectively with offensive behaviour related to football matches. One of its strengths is that while it emphasises issues of sectarianism and religion-related hate crimes, this Bill also takes into account other forms of, and motivation for, hate crimes and threatening behaviours/communications.

We have two broad concerns about this Bill.

First, it does not adequately address the prevention side of offensive behaviour and threatening communications related to football matches – actions that are widely agreed to be unacceptable and detrimental to Scotland. The growing consensus in Scotland that governmental activity must give ever-increasing attention to keeping problems from developing in the first place (or nipping them in the bud when prevention fails) is not robustly reflected in this Bill. Its focus is on creating and enforcing new criminal offenses, which would take effect after the fact and in the aftermath of negative incidents. We regard such law enforcement as necessary, but not sufficient in the long run.

Second, it overlooks the opportunity to enact legislation that would increase positive attitudes toward 'differences' (including religious differences) – and thereby, reduce the negative attitudes and beliefs giving rise to unwanted and unlawful behaviours. These negative behaviours have their roots in learned prejudice and a learned belief that it is acceptable to act upon these learned prejudices in discriminatory ways at (and beyond) football matches. Whether directly through this Bill, or indirectly through the Scottish Government, the opportunity should not be missed to deal effectively with the roots, not just the branches. There are significant chances to both better

educate and socialise children and young people, as well to re-educate adults away from the attitudes and beliefs causing offensive behaviour.

Our organisation's expertise does not lie in the worlds of either football, or criminal law. We note that this Bill has sparked a variety of questions and concerns from groups having such expertise. These have been well summarized in the SPICe briefing about this Bill and subsequent news articles and commentaries. However, we have considerable knowledge in three areas that are relevant to the two concerns we have raised above about this Bill.

First, we work to promote gender equality and, in particular, to highlight the **pivotal role of fathers in the lives of children and young people**. We believe that, particularly in relation to football-related offensive behaviour, the lessons taught by fathers (by word and deed) to their children is both part of the current problem and could be a vital part of the future solution to this problem.

Second, we have expertise in **early years research and policy** at a UK and European level, as well as in Scotland. The roots of negative behaviour and learned prejudice can be found in early childhood experiences and socialisation processes. Therefore, this is also where the negative side could and should be countered with more positive, pro-social attitudes, beliefs and behaviours.

Third, we have considerable experience of working with children and young people around **dealing with discrimination and promoting an appreciation of differences**. There are important lessons that we learned from our work about religion and around racism – lessons that remain as relevant and useful as ever.

These topics are discussed further below. We also add links to other online information that we consider helpful and have attached a copy of an article written for the August 2011 issue of Children in Scotland magazine by Michael Rosie - '*In a Different Division*'.

The role of fathers

The majority of those committing offensive behaviour are men, and many of them will also be fathers (whether biological or *de facto*, resident or non-resident). Their attitudes are likely to be shared by those in their family and community. Indeed, Youth Scotland cites its own experience of working with young offenders, noting that it is

difficult for these young people to challenge the cultures of their family and friends even if they recognize the need to change their views.

Children in Scotland works to increase the level of involvement of fathers, resident and non-resident, in their children's lives. This may be through links with health care, before birth, during nursery, primary and secondary school. As well as benefiting children, the involvement of parents in children's education brings them into environments where prejudice of all kind may be challenged.

Anti-discrimination work with children in nurseries and schools, while beneficial, can only have limited impact if children's families and communities remain unchallenged. However, in order to be able to encourage families and communities to question their attitudes they need to be able to develop trusting long-term relationships with key professionals in health and education environments. Attitudes are not changed by professionals telling people what to think, but rather through modeled behaviour and a display of values in services that are themselves valued in communities. Trust and long-term relationships are key.

While it is understandable that the Scottish Government wishes to challenge offensive and criminal behaviour swiftly, we urge the Government to take seriously its own statement to "tackle sectarianism by all means at its disposal". Working with men in their role as fathers offers a promising opportunity to challenge and change offensive behaviour and hate crimes at one of their key sources. We would be happy to offer further advice and evidence about how best to take forward such efforts with fathers.

The role of Early Childhood Education and Care (ECEC)

Universal early childhood education and care is particularly suited to fostering democratic, nondiscriminatory and inclusive values within staff, children, parents and communities. Such positive early childhood settings outside the home require investment and long-term commitment, but they have the potential to bring about transformational change in society.

Issue 13 (2007) of Children in Europe magazine looked at multiple belongings and the role of early childhood services and the first years of schooling in helping to combat inequality. The problems highlighted by this Bill are connected in significant ways to this evidence.

A discussion paper produced by Professor Peter Moss' research as part of the Children in Scotland's *Working for Inclusion* programmeⁱ (funded by the EC) explains in more detail how early childhood education and care can promote inclusivity and non-discrimination.

A forthcoming report and series of briefingsⁱⁱ by Children in Scotland will outline how Scotland can bring about such transformational change in early childhood education and care. This has direct and powerful implications for the prevention side of the kinds of offensive behaviour and threatening communications highlighted in this Bill.

The role of dealing directly with children and young people on alternatives to prejudice and discrimination

The Bill considers the impact on children and young people briefly in relation to the need to communicate changes in the law. All concerned parties would find real benefit in discussing the key issues with children and young people directly. Accordingly, we are pleased that the Government is in contact with the representative organizations it lists. This must be a meaningful dialogue and two-way communication if it is to reach its potential as part of the solution to hate crimes, whether or not they are connected to football matches.

There is a danger that the new legislation – if enacted as is -- might criminalise more young people than older adults. This, in turn, may have the unintended and undesirable effect of hardening negative attitudes, reinforcing negative self-images and behaviours and blighting young lives early on. There is abundant international evidence that labeling and treating them as 'criminals' reinforces an anti-social self-image and often sets young people on longer-term criminal or anti-social behaviour routes. It is also doubtful whether the *threat* of criminalisation will change young people's behaviour.

It is important that measures to prevent and counter offensive behaviour in young people in this context is matched by investment in programmes to encourage young football fans to reflect on this element of football culture and support for them to bring about change. The English-based website "kick it out"ⁱⁱⁱ has little on sectarianism in football, but has strong messages about other types of discrimination, including encouragement for reporting offenses. This might be a useful model for a campaign in Scotland.

Children in Scotland's work with children and young people - "Equal

Futures”, a number of years ago addressed this issue.^{iv}This Scotland-wide programme of workshops and events revealed different perspectives on discrimination among children and young people than those held by many adults. For instance, we learned that children and young people didn’t make the same kind of distinctions about discrimination, but have broader and more fluid understandings.

Local authorities’ Equality Plans need to consider inclusivity and equality in the ways that children and young people view them, not necessarily only through the labels produced by adults. Our work ‘Access All Areas’^v over the past several years in partnership with the Scottish Borders has changed how adults (as well as students themselves) perceive the concept of ‘inclusion’ in schools. Changing adults’ preconceptions is the first step in understanding how to support children’s questioning and challenging of discriminatory views.

Finally, the Curriculum for Excellence’s emphasis upon working with local communities is a good opportunity to tackle these issues of prejudice and offensive behaviour beyond the school gates, but only when the levels of trust and shared values locally are in place. As experienced by Children in Scotland’s successful ‘Equal Futures’ a programme of work offering young people art, music, dance, sport, and drama are all ways to bring different groups together, elicit unexpected viewpoints and encourage non-discriminatory attitudes and behaviour.

We would be happy to share more information about the background to, operations of and lessons learned from Equal Futures and associated initiatives. It has the potential to take the good intentions underlying this Bill in powerful and productive directions that reinforce prevention, early intervention and direct engagement with children and young people around offensive behaviours and threatening communications.

ⁱ <http://www.childrenscotland.org.uk/docs/PolandMay2010BriefingDocument.pdf>

ⁱⁱ http://www.childrenscotland.org.uk/html/hom_poly.htm

ⁱⁱⁱ <http://www.kickitout.org/>

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^{iv} *Equal Futures: supporting a child-led approach to developing racial equality*, was developed with the Commission for Racial Equality in Scotland with the support of the then Scottish Executive and ran from 2001-2004. The programme was intended to raise awareness and promote discussion of issues around ethnicity, identity, religion and culture. Largely, but not solely, based in schools in selected partner areas, it involved working with local authorities and other organisations to engage children and young people in discussion of ways of addressing inequality, racism and other forms of discrimination and supporting a better understanding – from the perspective of children and young people – on what the race relations Amendment Act 2000 and its requirements for the introduction of equality schemes might involve. It was highly successful in engaging children and young people themselves in planning and participating in the three major annual events and satellite programmes.

- . Key points that emerged from the programme included:
- The benefits of a child and young people-led approach in addressing all forms of discrimination and prejudice and in promoting understanding and valuing of diversity.
- Local authorities benefit from support in encouraging a more dynamic approach to implementing their duties under race relations legislation and undertaking more systematic and ongoing activities.
- Whilst schools and other formal services are important vehicles for engaging children and young people in discussion of these issues there needs to be support for extension of these activities to involve families and communities.

Equal Futures final report:

http://www.childreninScotland.org.uk/docs/events/EFreport_a_2001.p

^v http://childreninScotland.org.uk/docs/pubs/access_all_areas_v4.pdf

Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including most of Scotland's local authorities, all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland's largest independent education mediation service.