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Law’s contribution to youth sport: over-regulating and undermining participation?
The Intersection of Law with Youth Sport

3 Levels

1. Decided Cases that appear to create ‘new’ areas of liability e.g. Smoldon, Mountfield.

2. Legalistic structure and norms underpinning administration and governance.

2. Shift in perception about the law that alters behaviours.

(Increasing Children’s Rights Agenda UN CRC)
The Intersection of Law with Youth Sport

Emerging Child Protection Agenda

1. Criminal Prosecutions for abuse. Legislation e.g. SVGA 2006

1. Increasing imposition of a range of policies and bureaucratisation of volunteering

1. Effect on participation (behavioural change?)
Concerns about Litigation

‘Many of the teachers perceived themselves to be vulnerable to litigation in the event of children’s injury; avoiding situations where they might be held responsible for such an injury emerged as a priority’ (Bundy et al, 2009, 41)
Are Concerns Real/Justified?

• Essentially a different argument not clear

• It may be an unrealistic fear but can still change attitudes and behaviour.
3 Broad Outcomes

- Preventative Practice
- Personal Frustration and Annoyance
- Changing Interpersonal Relationship
Alternative Approaches

‘the fear of child molesters and litigation suits is rare in the Scandinavian countries, possibly explaining why these countries have a more liberal attitude toward risky play’ (Sandseter, E. 2012, 97)
Current Research Base

• Empirical work is largely located in the US. UK Scottish midwives

• Covering a range of ‘professions’ primarily medical (inc mental health) but also firefighters, prison staff, police officers, social workers, students.

• Small sample groups e.g. (Brodsky & Cramer 2008) 72 medical professionals
Conclusion

• Concerns about Litigation amongst Professional Groups are unlikely to lessen despite Gov intervention.
• Understand how such concerns impact actually and potentially
• Potentially devise strategies to combat and reassure.
References

