FARRER&Co

Women in Sport

Levelling the playing field



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Julian Pike
Partner,
Farrer & Co

Welcome to "Women In Sport – Levelling the playing field"

On Boxing Day 1920, 53,000 spectators at Everton's Goodison Park watched Dick Kerr Ladies FC (from Preston) play St Helen's Ladies. In 1921, the Football Association (The FA) decided the game was unsuitable for women, instituting a ban that held until 1971.

While legal restrictions on female participation in sport still remain in place in some countries, almost one hundred years later, we are potentially on the cusp of a quiet revolution. As we look back at this present period, it is hopefully likely that 2019 will be seen as one of the key years in which the movement towards greater equality and inclusion witnessed a significant gear change, the leading event, of course, being FIFA's Women's World Cup.

London 2012 saw for the first time at an Olympic Games, mass media exposure to Paralympians and their extraordinary feats of athleticism. In recognising their super-human achievements, we acknowledged the power and richness of watching the elite athletic endeavours of diversely skilled and challenged athletes. The 2012 Games undoubtedly will be seen – if they are not already seen – as a catalyst for change which recognised sporting diversity and inclusion.

Foreword



> “If you gave me a governmental wand, I would place a PE instructor in every primary school.

Another key milestone, in the UK at least, was the introduction of the UK Sports Governance Code in 2016.

This required sporting national governing bodies (NGBs) in receipt of central government funding to meet a 30% target for both male and female board members, or risk losing their funding unless they were able to justify why they were unable to do so.

Here at Farrer & Co, we aim to provide thought leadership on a range of issues, including Women in Sport. We recognise that increasing the influence of women in sport is not only about doing ‘the right thing’, but it is the savvy road to both commercial success and building a legacy.

The research set out in this paper shows that some 72% of NGBs have reached the 30% target, with many of the others not far off and all of them working towards either 30% or parity. At the same time, football, rugby and cricket (ie the three major participation ball sports in this country) have all seen a surge of interest in their respective women’s games, and not without considerable on-field success.

In particular, women’s rugby is one of the fastest growing sports, not just in the UK but internationally, with World Rugby reporting a 60% increase in participation globally since 2013. In this paper, both The FA and the English Rugby Football Union have very kindly contributed significantly in explaining their thinking and strategies to grow their respective women’s games, with both placing their women’s game at the heart of their organisation’s overall strategies.

The importance of this cannot be ignored. As Baroness Campbell elegantly explains, “it is about more than just sporting interest. Sport is able to play a critical role in the wider fight against obesity and in striving for greater mental health resilience.

“If you gave me a governmental wand, I would place a PE instructor in every primary school. Health, resilience, the life-long lessons of teamwork and the identification of talent – just four benefits of sporting endeavour – would be hugely enhanced, saving billions while creating similar sums at the same time.”

In the UK at the end of 2019, we can see NGBs very largely driving change in diversity and inclusion at board level, themselves driven by regulation, and governing bodies with their women’s game at the heart of their over-arching strategies. But yet, the three major sports in this country have left their professional clubs a country-mile behind.

Our research shows that the professional clubs in football, cricket and rugby remain very, very significantly behind the curve in terms of diverse boards with appropriate female membership. Only one Premier League Club and one Premiership Club meet the 30% target, while no Championship Club or first-class county cricket side reaches that milestone.





"Of the "Big Six", only four board places out of 35 are occupied by women"

Of the "Big Six", only four board places out of 35 are occupied by women. Of the 24 clubs in the Championship, only six have a woman on their board (and five of those have only one woman). In cricket, no clubs have reached 20% female representation, while three clubs have none. In the Premiership, seven clubs have no women, with only Exeter Rugby Chiefs meeting the 30% threshold, albeit there are no female directors of its holding company.

Amount of clubs that meet the 30% target:

1 Premier League Football	0 County Cricket
1 Championship Rugby	0 Championship Football

Why does any of this matter?
Answer: as much as it is about doing "the right thing", the more detailed answer is manifold but includes:

- If the governing bodies' strategies are to grow the women's game, to make it truly happen the clubs need to be aligned
- If the sports wish to grow female participation, as they say they do, having more women on the respective boards is fundamental
- It is empirically the case that diverse boards make better decisions, whether as regards to managing risk or making an organisation more profitable
- Why would you ignore 50% of your potential audience and participants?
- The opportunities for significant economic growth for both sports and individual clubs are real: the entry costs are low; the potential for audience growth is enormous; and there are obvious brand alignment opportunities, to name but three
- Volunteering at all levels remains critical to the success of all sports in this country. Mothers, grandmothers and sisters play key roles, whether as team managers, drivers, umpires or club and bar managers. Their voices should be represented
- Today's female participants (on or off the field) are tomorrow's mothers, of both boys and girls. For the long-term benefit of all sports – male or female – we want and need female participation in sport. It is not just dads that hand down the genes and the inspiration
- Pure and simple, it is about equal opportunity.

The results of our research does not surprise us. The disparity between NGBs and professional clubs was entirely expected, however stark the numbers. This is not a threat to clubs, but an opportunity. Those that grasp the issue the most quickly will make the greatest gains. Yes, it will take some time before prize money and pay equals out, but that reflects the commercial reality.

Indeed, it is possible that there will not ultimately be absolute equality on these issues. However, those are the issues that matter more to the headline writers; the issues highlighted above should matter more to sport.

This paper has taken a great deal of energy and input. I am deeply grateful to The FA and the RFU for their willingness to contribute. Thank you. There is also "Team Farrers", more than ably assisted by the firm's agency, Farrer Kane. Again, to you un-named warriors, a genuine and heartfelt thank you.

Taking part: facts on the ground



The London 2012 Olympics was widely seen as a turning point for women's sport, promising a "sporting legacy for all".

In all, 17 UK women won a gold medal, as individuals or as a team, including some of Team GB's most high-profile wins. There was extensive media coverage to match the medal tally.

But, despite the new promise for women in sport, the gender "participation gap" persisted; huge gaps between male and female participation, to the tune of two million, were recorded in 2014.

In 2015, the "Understanding Women's Lives" report was published by the charity Women in Sport. Drawing on Sport England figures, it revealed that 7.1 million women between the ages of 14 and 40 want to take part in more sport or physical activity.

Why were they not taking part in sport to the degree they wanted to – or even at all?

The report explored the idea that many women feel "traditional" sport is not relevant to them, and that gym-based classes and fitness is where most time is spent. It concluded that women's decision making in this area is informed by a complex value system spanning a range of factors, and that sport needs to adjust the way it engages with women if it is to remove perceived barriers and encourage them to commit their time.

Increasing participation

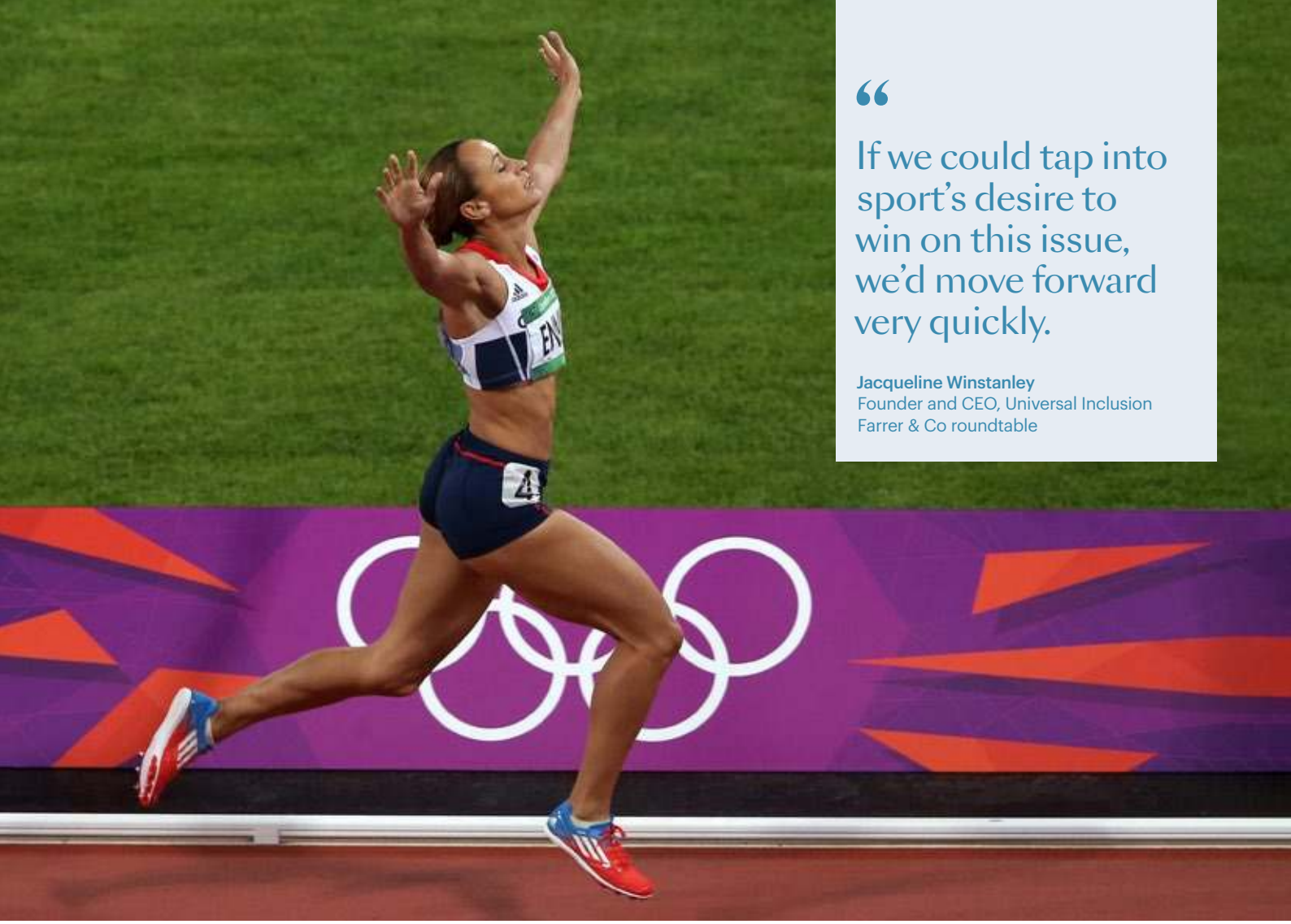
More recent figures from Sport England indicate that its high-profile "This Girl Can" campaign has had a significant impact on the numbers of women participating in sport on a regular basis. In 2016, figures show that 7.2 million women now play sport and undertake regular physical activity, an increase of 250,000 from when the campaign began.

At this time, Sport England put the "participation gap" at some 1.55 million, rather than the two million figure recorded two years before. The successful "This Girl Can" campaign is now entering its third phase. This phase seeks to respond to the fact that 40% of women aged 16 and over are not active enough to get the full health benefits of sport and physical activity, compared to 35% of men.

Sport England has made reaching out to women of all backgrounds and ethnicities the focus of this stage. The intention is to make the original campaign as inclusive as possible. One particular aim is to increase participation among women doing routine, lower-paid work. This group is more than twice as likely to be "inactive".

40%

of women aged 16 and over are not active enough to get the full health benefits of sport and physical activity



> “If we could tap into sport’s desire to win on this issue, we’d move forward very quickly.
>
> **Jacqueline Winstanley**
> Founder and CEO, Universal Inclusion
> Farrer & Co roundtable

Jessica Ennis-Hill crosses the line during the Women’s Heptathlon 800m, winning gold for Team GB, London 2012 Olympics.

Active sponsors and sport governing bodies

Developments in the world of commercial sponsorship are also benefitting efforts to encourage more women to participate in sports at a grassroots level. Here, as on so many counts, football is a bellwether for UK sport. As part of Barclays’ sponsorship of the Women’s Super League, the brand will work together with the Football Association to drive the growth of the women’s game.

Barclays will be the lead partner of The FA Girls’ Football School Partnerships, a nationwide scheme to help develop girls’ access to football at school. The brand will also work with The FA and The Youth Sport Trust to support the development and delivery of 100 Girls’ Football School Partnerships.

More widely in football, The FA has been working on its four-year “Gameplan for Growth” since 2017. The Gameplan aims to double the number of players and fans in women’s football. The strategy covers participation, awareness, performance, coaching, and the success of the national team. One year in, The FA was able to demonstrate it was hitting interim targets to achieve its goals.

There have also been noteworthy developments on the world stage. In October 2018, FIFA launched its first-ever global strategy for women’s football, with which it said the women’s game was a top priority.

With this strategy, FIFA aims to work with 211 member associations around the world to increase grassroots participation, enhance the commercial value of the women’s game, and strengthen the structures in women’s football to make success sustainable.

The approach taken both by The FA and FIFA implies that success will come as a result of combined improvements at grassroots level elite performance, boosts to commercial revenue and better structures and governance.

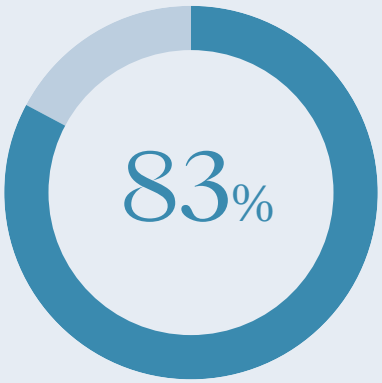
At a glance

In the UK, sport’s “participation gap” remains significant, but is closing

National campaigns have an effect of growing participation in sport and physical activity

Football, the bellwether for UK sport, shows how active commercial sponsors can grow games at the grassroots

Percentage of sports in the UK awarding women and men equal prize money as at March 2019



Learning from the best

In promoting, securing and sustaining women's participation as a specific aim, sport's governing bodies and clubs are not starting from scratch.

Each sport is at a different stage of development, and the context in which each operates and makes plans varies considerably.

Spectator, supporter, funding and sponsorship levels are also very different for each. These differences notwithstanding, some sports' strategies on women's and girls' participation and leadership are far enough advanced for lessons to be learned for themselves and others.

The picture that emerges from football and rugby, set out here by those charged with delivering on these sports' plans, is of a relationship between elite sporting success – reflected in media attention – and grassroots interest in taking part. That success demonstrates the existence of a previously untapped audience and commercial interest, which can both be used to build up the infrastructure and playing opportunities that support women's participation.

That virtuous circle, though, does not complete itself. Diversity and equality in sports governance and leadership plays a part in getting results, a topic to which we return in part.

Money and prizes

In addition, we should consider the role of the rewards available to players and athletes. Prize money in women's football has increased significantly over recent years: the total pot in 2019 was $30 million dollars compared to some $6 million in 2007. This is still nowhere near the figures offered in the men's game. Prize money for the last men's World Cup was around ten times that of the Women's World Cup.

Research from the BBC cited in a European Parliament report in March 2019 indicated that a total of 83% of sports now award men and women equal prize money, which is an increase of a considerable margin on the figure of 70% recorded in 2014. That said, there are still huge salary disparities within some sports.

The report references a 2017 global sports salary survey that revealed the combined salaries paid to women's leagues in the seven top-division football competitions in France, Germany, England, the US, Sweden, Australia, and Mexico (which included 81 teams and 1,693 players) were less than the £32.9 million earned by Brazilian forward Neymar for his playing contract for Paris Saint-Germain in 2017-2018.

The combined salaries paid to women's leagues in the seven top-division football competitions in France, Germany, England, the US, Sweden, Australia and Mexico were less than the £32.9 million earned by Brazilian forward Neymar for his playing contract for Paris Saint-Germain in 2017-2018.

The issue of equal pay for men and women is a hot topic. In 2019, the US women's soccer team launched a claim for discrimination for unequal pay, and over the years, a number of women's national football teams including Ireland, Scotland, Denmark, and Nigeria have publicly raised issues regarding their pay and conditions. In Norway, by way of contrast, men and women have received the same pay for representing their country since 2017.

As each sport aims to build better participation and better rewards for women, they have an eye on the "sustainability" of each step. Proper rewards are recognised as making participation more sustainable for players, any reverses or backward steps would clearly be hugely damaging for the image and morale of a sport.

Our contributors in this section ask important questions: What is the right measure of success for women's sport? Is it participation? Prizes and rewards for its elite players? And does equal standing for women in a sport look like a carbon copy of the men's game?

At a glance

More equal access to sports facilities for women athletes and players is key

Efforts to involve school-age girls in some sports need to be different in character to efforts aimed at boys

Sports are learning from each other's successful approaches to marketing women's games and the experience of spectating

Active sponsors play a key role

Prize money and contracts are increasing, albeit slowly

Diversity at board level, in leadership and among the coaching pool is important in growing women's participation in sports from top to bottom

“

It is true that at the top end, women’s football is highly dependent on being subsidised by the men’s clubs, but we are working to ensure it has its own clear identity.

Football: not in the shadow of the men’s game

Our goal is to vastly increase women’s and girls’ participation in football at all levels.

Words by Sue Campbell

Equality is important, but achieving this aim is about much more than that.

We have a growing obesity problem, and a growing concern for the mental wellbeing of our young women. It is important for young girls to see that physical activity is fun, that it can be enjoyable. Football can create role models for young women; they can see women who have a dream – an aspiration – who work hard, stick at something, and get there.

Whilst most boys have had the opportunity to play football prior to the age of eleven, it is clear that only a very small percentage of girls had the same opportunity, either in school or in clubs.

The approach taken to attract girls to the game is different. We realised that most young girls aged between five and ten were probably not confident enough to go to a football session, particularly if it was a mixed one with boys. We must understand that what motivates girls to become engaged and participate can be very different to what motivates boys, and the environment created must be girl-friendly. This way, they can learn to play football in a non-competitive environment. We have established a programme called “Wildcats” and we now have 1,500 Wildcats centres on the ground. Wildcats is a girls-only environment; it is fun, where they can be with their friends, or come to make friends, and it is about getting a little bit fitter and being active.

The women’s game also has a very different identity to the men’s game, and this is largely because of the way women footballers play. I was one of 31,000 fans who went to watch the first Women’s Super League derby match between Manchester United and Manchester City, and it had a different tone to it. There was no segregation of fans, no chanting, no abrasive rude behaviour, no shouting at referees and no rolling on the pitch. It is the same game, but with a different personality.

It is true that at the top end, women’s football is highly dependent on being subsidised by the men’s clubs, but we are working to ensure it has its own clear identity (football and cricket have this as an advantage not open to a sport like netball). We are at the beginning when it comes to the commercial success of women’s football. When I arrived at The FA, the women’s game was very much tacked onto the men’s through joint agreements with commercial partners. Now we are seeing sponsors like Barclays and Boots coming to the table genuinely wanting to work with the women’s game.



For example, the rationale Barclays applies to its support of the women's game is different. Its support for the men's game is a straight commercial decision; sponsorship of the women's game comes from its equal opportunities and equality budget. It shows what they are trying to achieve internally and externally – that women can also achieve; women can also succeed. There is a moral purpose to giving women an opportunity to showcase their talent.

We have seen a real change in the gender balance of the boards and staff at the sport's governing bodies. I think the growth of the women's game in England has been largely because we have a very balanced workforce. When it comes to the boards, we do need people who have a passion and love for the game, but it needs to be balanced with people who can give a different perspective and look at things in a different way. It is true that many clubs are behind on that process of change.

1,500

girl-friendly Wildcats centres on the ground, a place to learn football in a non-competitive environment

Fran Kirby celebrates with Toni Duggan after scoring the first goal during the International Friendly between England and Australia Women, October 2018.



To ensure there are women with the right skills to take up those positions, we need to make sure that we are supporting them, particularly younger women, by developing leadership skills and attributes. They will then have a real contribution to make.

Sport is undergoing a cultural change, and in my experience, cultural change is never easy – it can be slow and hard to achieve. Leading it is like arriving at a house party, in that you must absorb what is going on before you decide how to conduct yourself. An aggressive style does not work. You have to learn where all the "power points" are in an organisation. Then you need to talk to a lot of people about what the mission is going to be. You must get buy-in for the mission, so that it is not your mission, but a shared mission. You need to keep nudging the system.

As to the future, we have just produced a Women's Professional Game Strategy, which is a five-year document looking at the top of the game. That will go in front of the new Barclays FA WSL/WC board for check and challenge, and approval shortly. Commercially, and in every other way, we want the women's game to move to a self-sustaining model that produces successful England teams – the senior team and under-21s, with a clear talent pathway for the juniors.

There should be a recreational pathway that starts with "Wildcats", going all the way through to the 'missed generation' – girls like me who played football before they went to school, and then didn't play after. And we need a strong women's refereeing and coaching workforce. That is the ambition in the next five years.

Women's football has some more wonderful profile moments coming up with the 2020 Olympics in Tokyo and the UEFA Women's Euros 2021 being hosted in England. Every match will be free-to-air, which should therefore generate a massive increase in the number of girls participating, and, we are planning for its legacy.



Sue Campbell
Baroness Campbell of Loughborough CBE,
Director of Women's Football,
The Football Association

Rugby: seven pillars for growth

There is great support within the RFU which puts a huge emphasis on the importance of the women's game – our people want to see it grow at all levels.

Words by Nicky Ponsford & Clare Cooper

Women's and girls' grassroots rugby has experienced rapid growth:

- Today, circa 37,000 women and girls are registered to play rugby in clubs (2017: 25,000 and 2012: 13,000)
- Among the teenage community, the CBRE All Schools programme has also helped boost rugby's appeal and there are now over 60,000 girls involved in rugby
- 18,000 women have attended over 500 Warrior Camps across England during the last two years
- There has been a significant increase in the number of female coaches completing the England Rugby Coaching Award, up 185% to 274 in 2019 (2017: 96)
- The number of women completing the England Rugby Referee Award is up 214% to 88 (2017: 28)
- The number of women involved in the Quilter Kids First Refereeing Children increased by 118% to 254 (2017: 116)

The RFU is aiming to have 50,000 registered female players by 2021. That would mean participation had doubled since 2017. The RFU is striving to achieve this whilst we see many team sports struggling to recruit and retain people. Among the causes of the downward participation trend in other team sports are the ways that people lead their lives now, including different pressures with work and family. This means that sport comes lower down the list.

The 2017 Women and Girls action plan has seven "pillars". First is **playing opportunities** – this is not just at the top end of the game. We want to create the right environment for new and developing players to come in and enjoy the game. Second, **playing pool** relates to reaching different markets. It means spreading rugby into schools, colleges and universities, and any new markets through which we can reach those ladies who may never have considered rugby before as an option. The third, **people**, is absolutely core. With this work we are trying to increase the number of female match officials, coaches and team managers.

We're also working to identify, train and deploy volunteers who will be the influencers and leaders of the future. Fourth is **player pathway**, meaning the route players can follow from club through to country. This is about ensuring that players can access player development opportunities from their club, school, county or Centre of Excellence linked to a Tyrrell's Premier 15 club.

The fifth, **perceptions**, and sixth, **partnerships**, have a focus on increasing visibility. That means looking at our reach and the channels we are using to inform people that female rugby exists, that it is available, and it is accessible. This is as important at the grassroots end of the game as it is at the elite performance end. Finally, there is **places**. This is about ensuring there is appropriate, warm and welcoming clubhouse space, and changing provision for females. They must feel that they have been thought about and cared for, and are welcome and part of the whole club.

Investment in, and promotion of, the senior England women through the Red Roses brand, and also the Tyrrell's Premier 15s (the top-flight women's rugby competition in England), underlines the importance of the women's game to the RFU.

We also of course look at football, and meet several times a year with our counterparts in football and other sports. We each pass on what we are doing with the Red Roses and the Lionesses respectively, and consider the learning points.

1 Playing Opportunities

2 Playing Pool

3 People

4 Player Pathway

5 Perceptions

6 Partnerships

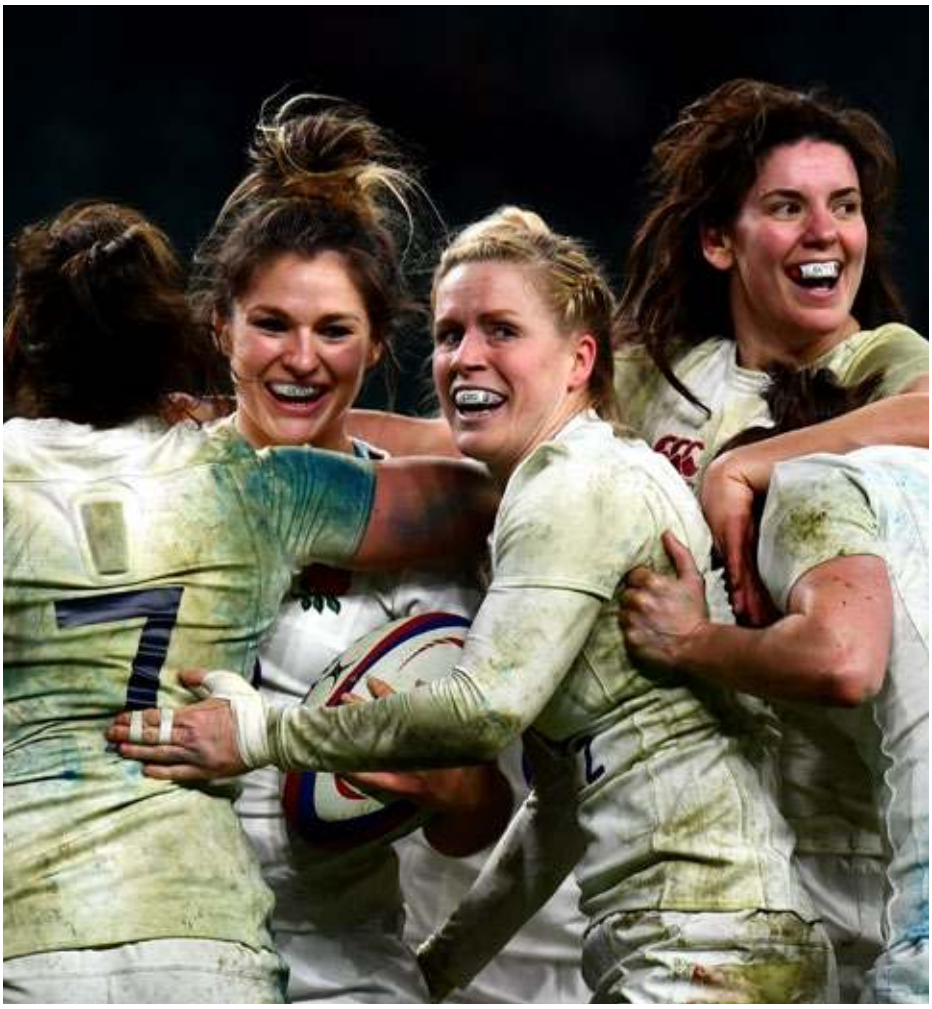
7 Places



Clare Cooper
Rugby Growth Manager,
Rugby Football Union



Nicky Ponsford
Head of Women's Performance,
Rugby Football Union



Amy Wilson-Hardy and team celebrate scoring the second try at the Women's Six Nations match between England and France at Twickenham Stadium, February 2017.

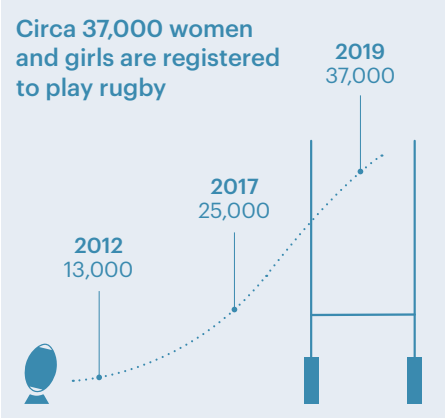
This extends to sharing experience of events and marketing. As a further example we are planning a meeting to focus on how we can get more women into high performance coaching roles.

So whilst we learn lessons from both the men's game and other sports, for example women's football, we have some steps on the journey to make before we reach the same level of professionalisation for players.

In particular, the TP15s has to be sustainable. That means being sustainable from a competition perspective – we need the league to be competitive and the product on the pitch good. Also, the financial model has to be sustainable. Achieving these two aims will mean we can grow audiences and increase the commercialisation of the women's game, which in turn will grow its income. To date, we have focused on developing the infrastructure and the product.

That point, where profile and revenue generation are sustainably up, is when clubs will be able to start looking at contracts for players, whether full-time or semi-professional.

> "With increased visibility and changed perceptions, a change in culture and mindset will follow.



50,000

Registered female players by 2021

We're seeing the first steps towards it. It is a feature of rugby that senior and elite success are a driver for grassroots participation. If the sport is not visible and does not have a profile, then the development at grassroots level is probably not as quick as you might see otherwise.

We're investing in making England as successful as possible, because that increases the profile of the game across the board. That too should start to increase revenues coming into the game because of England Women. The same applies to the TP15s. But it is not just about revenues – that visibility is an enormous help to the grassroots. It changes perceptions.

Because of that, we are looking at how to get more people to go and watch the Red Roses. The location of matches and how they are promoted matters. Then the task is to make sure the playing opportunities and the clubs are visible and reachable for those girls who go and watch the Red Roses and are inspired by them. We still need more clubs to offer rugby for girls. The situation is hugely improved from where it was, but there are still some gaps around the country.

With increased visibility and changed perceptions, a change in culture and mindset will follow. Rugby is historically a traditional male team sport, and it takes a long time for culture shift to create change. The female game has seen significant change in this area, particularly since England hosted the Women's Rugby World Cup in 2010. Our clubs are welcoming, inclusive and family-oriented. Many of those that have a women's or girls' team have benefitted not only from additional membership, but a better family and community feel, and what we would call a "balanced club". There are still challenges to face and problems to solve, but that could be said across all of women's sport.



Tactics for change: positive action and good governance

Farrer & Co gathered data from 131 sports organisations, including commercial clubs and 57 national governing bodies recognised by Sport England, on the composition of their governing boards.

National governing bodies and many commercial clubs share the aim of a governing board that is at least 30% female, though the national governing bodies are significantly ahead on this aim (for reasons contributors outline below). Our research on the national governing bodies showed the following:

- Across the 57 national governing bodies recognised by Sport England we surveyed, an average of 35% of the board is female
- 72% have met the 30% target and 37% have a woman in a leadership position on the board
- Among Olympic-recognised sports, national governing bodies boards have an average of 34% women
- 71% of Olympic NGBs have met a 30% target; and 37% have a woman in a leadership position on the board.

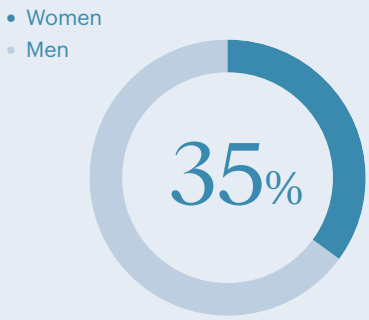
> “These stats clearly show that something needs to change.
>
> **Lucy Pearson**
> Head of FA Education,
> The Football Association
> Farrer & Co roundtable

The data gathered from commercial clubs shows a very different picture and reveals how they are a significant way behind the national governing bodies:

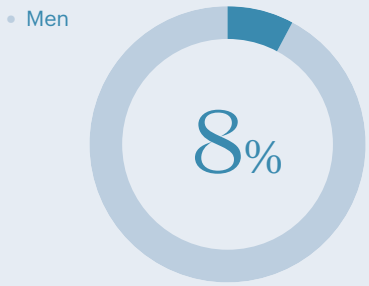
- 8% is the commercial club average for board positions held by women, in a sample that includes all football Premier and Championship League, rugby’s Premiership and county cricket clubs
- Only 3% of commercial clubs have met a 30% target, and 8% have a woman in a leadership position on the board.

Commercial clubs lag significantly behind the governing bodies for female representation

National Governing Bodies



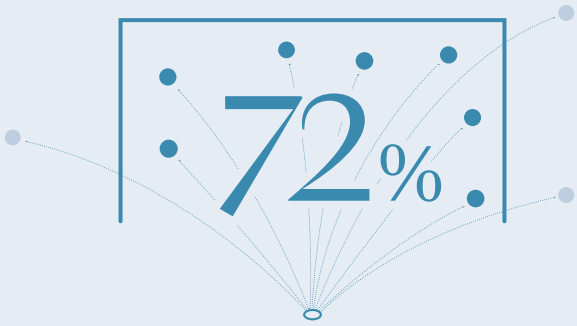
Commercial Clubs



Percentage of NGBs and professional clubs that have met the 30% target for female representation

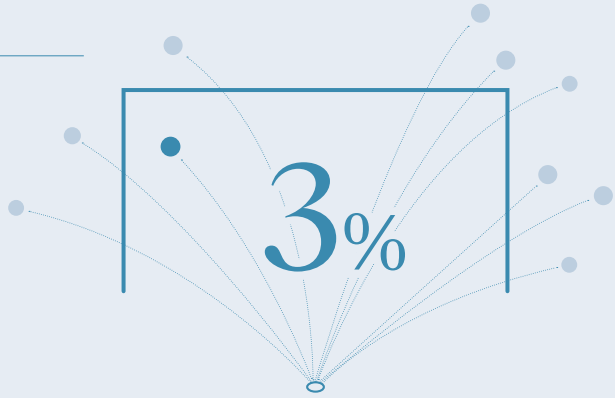
National Governing Bodies

72% have met the 30% target and 37% have a woman in a leadership position on the board



Professional Clubs

Only 3% of commercial clubs have met a 30% target, and 8% have a woman in a leadership position on the board



Football: close to an own-goal

- In Premier League football clubs, an average of 10% of the board is female, only one club has met the 30% target and 20% of clubs have a woman in a leadership position on the board
- No Championship League football club has met the target of 30% women on the board. The average is 5%. Only 4% have a woman in a leadership position on the board
- For all football clubs taken together, 7% of boards are female, just 2% of clubs have met the 30% target, and only 11% of clubs have a woman in a leadership position on the board.

Rugby and cricket: the current picture

- The average for county cricket club boards overall is 10% female with all clubs having less than 20% female representation at board level. No county cricket club has met the 30% target, and just one club has a woman in a leadership position on its board
- Within Rugby Union's Premiership overall, only an average of 10% of the boards are female, and just one club has met the 30% target. No club has a woman in a leadership position on the board.

It is an accepted fact that diverse boards perform better. As Nick Bitel notes in his foreword to the latest Sport England report on this topic, companies in the top quartile for gender diversity are 15% more profitable.

With some notable exceptions, including Tottenham Hotspur and Exeter Chiefs, it is evident that the biggest challenge here lies with the commercial sports clubs, who are lagging behind the NGBs. But if they can meet that challenge, the potential future benefits to these clubs' business is huge. And in a sense, they are lucky, in that the national governing bodies have shown the way and can point to significant progress in diversifying their boards.

At a glance

Positive discrimination is illegal, but positive action is not, and achieves more equal outcomes

Governing bodies and clubs of Olympic-recognised sports on average out-perform other sports on the gender balance of their boards

The case for progressive clubs

The role of women in UK sport and the profile of the various women's games have never had greater focus and coverage.

Words by Julian Pike

Prior to the introduction of the UK Sports Governance Code in 2016, broadly speaking, women on boards were predominantly the exception, not the rule and their number rarely, if ever, reflected the participation levels of women and girls in their sport. Only a handful of female-dominated sports such as equestrian, netball and rounders had more women than men on their boards.

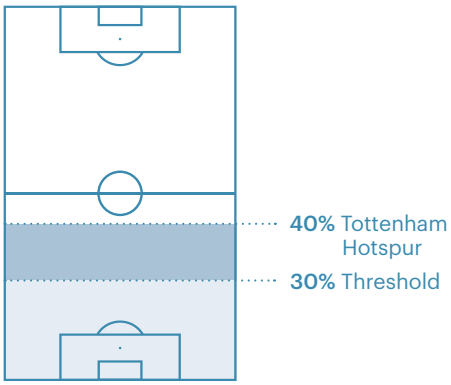
That is not to say prior to 2016, there was no movement – there was, but it was a trickle. The new Governance Code, in introducing a "comply or explain" requirement for centrally funded UK NGBs to have at least 30% of both sexes, but with an aim for parity when possible, created a momentum shift.

Our research shows that as of autumn 2019, 72% (41 out of 57) of surveyed NGBs now meet the 30% threshold. There are six more NGBs which have 27-29% of women on their boards. 37% have a woman in a leadership position, namely the Chair, CEO or CFO. There have been one or two further appointments in the recent weeks. Eight NGBs – British Cycling (50%); British Equestrian (58%); British Fencing (50%); England Handball (60%); England Netball (70%); GB Hockey (50%); Pentathlon GB (56%); Rounders England (88%) – have reached parity or better, albeit some started above 50% before 2016.

Only two of the 57 NGBs we surveyed – or 4% – have no women on their boards, these being Bowls Development Alliance and British Curling. As for the three largest participation sports – football, rugby and cricket – which have all seen considerable promotion and success of their women's games, they are there or thereabouts with the 30% minimum. The FA leads the way with four out of 10 female board members (40%), the England & Wales Cricket Board has four out of 12 (33%) female board members, while the RFU are at 29% with four out of 14.

Some of the change has come about not without a fight, albeit typically as part of a wider governance modernisation programme within NGBs, with Table Tennis England being a prime example where the revised constitution was rejected at the first time of asking. However, the threat of government funding being removed will unquestionably have played its part in encouraging NGBs to significantly bring about change.

In the Premier League, Tottenham Hotspur are the only club that meets the 30% threshold



By comparison, what of the professional clubs in the three major sports? In looking at football, rugby and cricket, it is worth reminding ourselves that these three sports not only have enjoyed considerable on-field success in their women's games, but they each have the development of the women's game at the heart of their overarching strategies, with The FA and the RFU kindly outlining their strategies in this report. So far, so good, but it is important to recognise that there is more to achieve both in terms of the number of women sitting on boards, but also to ensure that there is genuine inclusivity in decision-making and leadership of the respective sports.

The stark reality in the comparison between the UK's NGBs and its leading professional clubs could not be clearer.



Heather Knight lifts the World Cup trophy during the ICC Women's World Cup 2017 Final between England and India at Lord's Cricket Ground, July 2017.

Football

The Premier League, widely regarded around the world as the finest domestic football league and which aims to be best in class, can only boast one of its 20 clubs that meet the 30% threshold. Tottenham Hotspur are at 40% and Everton, Leicester City and Chelsea follow with 25%.

No fewer than 11 clubs have no women on their Boards. Of the Big Six, three – Arsenal, Liverpool and Manchester City – have none and of the 35 people on the boards of the Big Six, only four are women (two of whom are at one club – Tottenham Hotspur).

In the Championship, the position is even less attractive. No club meets the 30% threshold. Of the 117 board seats, only seven are occupied by women, who make up 5% of the boards on average. 18 of the 24 clubs have no women on their boards. Five of the six that do only have a single female board member (Barnsley, Brentford, Huddersfield, Nottingham Forest and Reading). Wigan Athletic is the sole exception with two women on its board. Clubs such as Brentford are known for their inclusivity even if the number of female board members is limited.

Rugby union

The position is no better in the Rugby Union. Of the 12 Premiership clubs, women make up nine out of 70 places overall, and the average representation of women on boards is 10%. Only Exeter Rugby Chiefs meet the 30% threshold, with four female board members on a board of eight. All four women were appointed to the board in September this year.

Exeter Chiefs are the clear leaders with female representation at 50%, albeit no women sit on the board of its holding company (Exeter Rugby Club Group PLC). The other five female board members can be found at Leicester Tigers, Harlequins, Northampton Saints and Saracens. Harlequins are not far off the target, with 25% female representation. Seven out of the 12 clubs have no female representation on their boards.

County cricket clubs

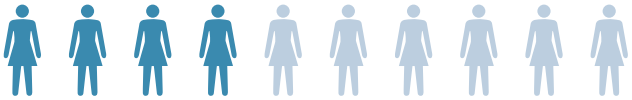
County cricket might be seen as the preserve of male dominance and the make-up of their boards (several still call themselves "committees", which indicates perhaps a less than modern approach) would tend to suggest change has yet to come to the county game. Of the 193 board/committee positions, only 19 women sit, representing 10% of the boards on average. The representation of women on boards is below 20% at every club.

No county club meets the 30% target and only one club has a woman in a full-time leadership position. Three counties – Essex, Kent and Northamptonshire – have no female representative on their boards. Gloucestershire appointed two women to its board this year.

The hard fact summary of the comparison is that while only 4% of UK NGBs have no women on boards, 53% of the professional clubs that make up the Premier League, the Championship, Premiership and county cricket have no women. While 72% of NGBs have met the 30% target, the figure for professional clubs is just 3%.

Percentage of female representation across the three largest participation sports:

FA Board



40%

England & Wales Cricket Board



33%

RFU Board



29%

Why change?

Unquestionably, the UK's NGBs have had the threat of serious financial loss hanging over their heads unless they changed. In contrast, the professional clubs have not and therefore the immediate financial incentive has not been there to initiate change or, it might be said, to modernise. It will also be the case that historic factors will exist in varying degrees, which are likely to have reinforced the status quo, no doubt led by the fact that it "has always been this way". While the lack of financial sanction if no change is made is most likely to be the most significant issue, this is to ignore the positive reasons for bringing about greater development. They are many, but include:

- While it is not the role of this paper to delve into the detail of good board governance, studies by the likes of Harvard Business School, McKinsey and others all point in the same direction: diverse boards make better decisions and are invariably more profitable (by about 10-15%). Having a range of views around the board table improves the management of risk and prevents board members reinforcing the thinking of others in circumstances where they are predominantly cut from the same cloth
- While most professional clubs would ordinarily relish the concept of growing their profitability by 10-15% as against their competitors (though we do not suggest this is possible year-on-year), a reduction in risk is the other side of the coin. If you reduce risk in a business, the probability is you reduce cost and are more likely to avoid significant events which harm the business, thus both feed into greater profitability
- The FA, the ECB and the RFU have the women's game central to their strategies, which plan for the future growth of female participation. Having clubs similarly aligned is clearly much more likely to assist in delivering the NGBs' strategies
- The women's games need their champions at their sports' top tables to best develop participation. Again, greater participation leads to an increased propensity for longer term sporting success (however defined), which in turn feeds the profitability and sustainability of the sport
- It is plainly incongruous in sports with the intention of increasing female participation that there is little, if any female representation on the boards of their leading clubs. Those clubs that have strong, active women's sides should lead on this issue, thereby making a clear statement about the correct direction of travel. This is not about being 'woke', but driven by both economics and the long-term development of each sport, with each club having a responsibility to do so.

> "It is plainly incongruous in sports with the intention of increasing female participation that there is little if any female representation on the boards of their leading clubs.

That is not to say there are not positive changes coming. At page 30, there is a brief explanation of FIFA's 40:40:20 policy. In a sign of changing times, football's international authority – not so long ago a corrupt, anarchistic organisation – has introduced a policy to ensure 40% of boards in football are female. This will take some time to filter down to clubs given that continental federations are to introduce it first, followed by the national governing bodies in that federation and then clubs. However, this top-down approach will bring about important change.

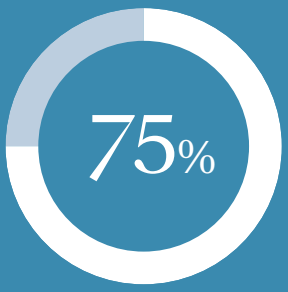
It is perfectly possible for The FA/ Premier League, the ECB and the RFU to take a lead and look at how they bring about faster change as part of their development strategies. The RFU has had, for example, financial incentives for Premiership clubs to meet thresholds for the number of English qualified players in their match day squads.

Percentage of professional clubs with no women on their boards:

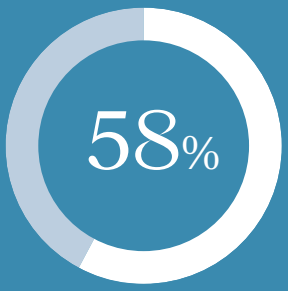
Premier League Clubs



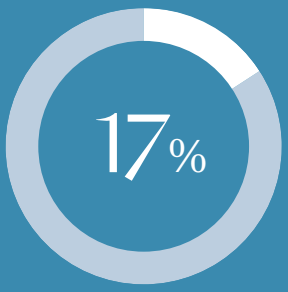
Championship League Clubs



Rugby Premiership Clubs



County Cricket Clubs



Why not something similar for the number of women on club boards?

In recent times, we have seen the demise of Bury Football Club, at the heart of which lies questions about governance, and the need for the English Football League to have a more meaningful "fit and proper" person tests for club ownerships. It is not difficult to see how having minimum thresholds for female board members could bring about improved club governance as part of a wider governance review.

Such changes may be met with resistance, given it is possible to visualise the vested interests or potentially anarchistic views of some of those owning and/or running clubs. Such individuals will not be aligned to change and progress, especially as it will not be possible to immediately equate change with pound signs.

That is to miss the point. The more enlightened clubs will recognise that best practice on board governance strongly supports a more generally diverse and inclusive board. The financial performance of companies with diverse boards should also strongly encourage smart, progressive professional clubs to change, even if the financial rewards may not be immediately obvious.

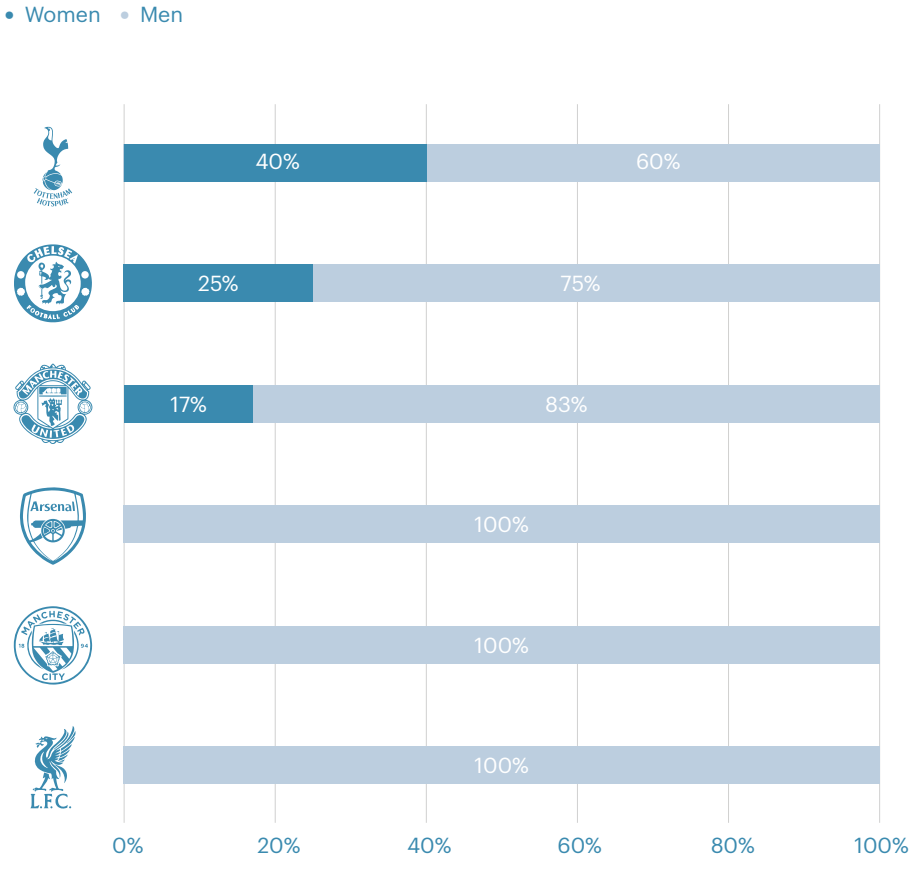
This is not to argue that in the short or medium term there should be financial parity on paying professionals. That should and will only follow once the commercial success of a sport allows this to be possible. It is no different to understanding why a Premier League player earns more than a League One player.

However, it is the case that on-field success is what drives all professional clubs. With better decision making on boards, it is easy to see how this feeds down onto the pitch. It is also the case in reality that clubs will increase their chances of success with active, well-supported and run women's teams. For many clubs, real success in the men's game is all but a pipe dream. Why not look at an alternative road to success which may then have wider, long-term benefits, financial and sporting, for the club?



Julian Pike
Partner,
Farrer & Co

Female representation across the Big Six Premier League Clubs:





England women's cricket team holding the ICC Women's World Cup Cricket trophy outside 10 Downing Street, August 2017.

Positive action will tap true success

Words by Katie Lancaster

The protections provided in sex discrimination law are not specific to women. They could equally apply to men, but as an employment lawyer advising sports sector clients, I have never known a case where a man was challenging a situation on the basis of sex discrimination, even though it is theoretically possible. The main issue of gender equality in sport is that of a lack of women in leadership and at board level.

Discrimination is not necessarily direct discrimination, and it is rare for there to be a single act of direct discrimination. However, you do typically see a combination of a number of issues that ultimately demonstrate to an individual that a situation is not fair and that this is connected, for example, to their sex or their race. Often, this may be due to subconscious bias, but it can still constitute discrimination.

> "We need to start asking where candidates are being drawn from; how they get recommended for a position; and identify where people in leadership roles are meeting other people in leadership roles.

The cause of unequal treatment is commonly the culture of an organisation. Cultural change is therefore a very important part of achieving more equal outcomes. When we think about leadership roles in organisations, it is unlikely that someone has been told they will not get a position because they are female. It is likely to be the smaller things: the "fit"; the way the applicant's experience was treated and assessed; and whether those making the appointment feel "comfortable" with the candidate – all, incidentally, often textbook examples of subconscious bias.

To counter such issues, we need to start asking where candidates are being drawn from; how they get recommended for a position; and identify where people in leadership roles are meeting other people in leadership roles.

That is not just true of gender equality, but is an issue for diversity in general. People do recruit in their own image and are comfortable with people who move in the same circles.

As we think about the composition of a board, the risk of getting the balance wrong is not a legal one. To look at another sector, the view that the Financial Conduct Authority (FCA) takes here is interesting.

The FCA concludes that where a board is all white male, that may be actually high risk, because everybody



is more likely to be thinking pretty much the same, due to all having quite similar life experiences. That does not help the board anticipate risk or understand its membership or customer base, which is likely to be far more diverse.

Sport governing bodies are quite far ahead of their corporate cousins, not least because under Sport UK and Sport England's "A Code for Sports Governance", one requirement of receiving public funding is a board that has at least 30% women and at least 30% men.

Almost all of the governing bodies have already reached that target, or have at least been able to demonstrate sufficient progress. Unfortunately, when we look at professional sports organisations not in receipt of public money, we have to ask: where would that pressure come from? It should come from a whole range of places – the public perception, a desire for fairness and better recruitment practices and the benefits of better governance. However, we can see that significant progress is not happening. It is not unlawful to have an unbalanced board, but having one suggests that something is not right.

As with any such topic, there can be pushback when this matter is discussed. A senior politician typified such attitudes when earlier this year he declared people were "tired of the equality bandwagon", and complained about "feminist bigotry" in continually raising the topic of gender inequality.

A similar comment was made that there is already well-established equality legislation and so this should no longer be an issue; interestingly, I have never heard a politician argue that just because we have criminal law there should no longer be any crime.

Yet there is a very strong case to make here, irrespective of such attitudes. Better, more successful boards are characteristically more balanced in terms of gender and have embraced the idea of equality as being a better way of governance. Setting quotas would not be legal, but positive action is permitted, and it can be embraced without necessarily making too many changes.

The recruitment process itself is an obvious place to start. For example, you can ensure that you have a recruitment policy that is rigorous in examining where you look to recruit people from and asks if you are going outside your immediate circle when looking to fill a vacancy.

You can also be creative in recruitment and ask whether you are looking too closely at the specification, rather than at the skills needed to do the role. The impact on an organisation's success can be dramatic when an appointment brings in a broader perspective and different life experience.

A good example is Dame Fiona Reynolds. As Director of the National Trust, she brought to the role her own experience of going to National Trust properties with small children.

The properties were too often set up as if families visiting with children were a hazard, to be kept back so that they wouldn't damage the properties. She took the attitude that the Trust had to welcome everyone and the changes she made to the way its properties were run led to a significant increase in membership.

Returning to sport, you can see the way that a woman's different experience and perspective could help change a sport like football, or perhaps introduce a new business model. The conduct of crowds at a traditional football match is quite intimidating and I am not sure I would take my child along to a match by myself. Yet, the set-up in women's football matches is more like the model we see with American sporting events – much more family focused and more inclusive all-round. If the clubs wish to align themselves with their governing bodies' strategies for growing female participation, then change should start from within the boardroom. It is not just about "doing the right thing". The hard-nosed commercial reality is that diverse boards are proven to be more commercially successful.

"The impact on an organisation's success can be dramatic when an appointment brings in a broader perspective and different life experience.

While some may consider certain sports to have reached saturation point – whether in terms of fan base or income – this is to ignore that most sports have barely scratched the surface with half of the population.

The national women's games are leading the way in terms of attracting huge audiences; this year more people watched the FIFA Women's World Cup final than watched the Wimbledon Men's Singles final. Ultimately there is much to play for.



Katie Lancaster
Partner,
Farrer & Co



Driving governance change

Words by Tom Bruce & Emily Jamieson

Many factors have been driving a recent focus on governance in the world of sport, but without a doubt the biggest milestone was the publication of Sport England and UK Sport's "A Code for Sports Governance" in 2016.

For bodies in receipt of funding from Sport England or UK Sport, that income was made conditional on their ability to meet the requirements of the Code – making the Code effectively mandatory for those organisations reliant on such public funding.

Gender and diversity are addressed within the Code, which requires organisations to "adopt a target of, and take all appropriate actions to encourage, a minimum of 30% of each gender on its Board" and "demonstrate a strong and public commitment to progressing towards achieving gender parity and greater diversity generally on its Board, including, but not limited to, Black, Asian, minority ethnic diversity, and disability". Arguably, these are bare minimum requirements when it comes to diversity, and they set targets rather than mandatory thresholds – such as in the case of the gender target, which more than a quarter of UK Sport and Sport England funded boards still do not meet.

However, the Code did go further than any previous requirements, and its approach has now been mirrored elsewhere, such as in the Sport and Recreation Alliance's "Principles of Good Governance". The Principles are a flexible set of actions which bodies can apply to their organisation as they see fit and, in common with the Code for Sports Governance, they state that boards should include a minimum of 30% of each gender, as well as a goal to "work towards gender parity".

Among sports governing bodies, the reaction to the Code has been mixed. Some have looked to do just what they needed to do in order to become compliant and continue to receive funding. Others have seen the Code as an opportunity to undertake a wholesale review of their internal structures and procedures, aiming to be "best in class".

75%

of members are needed to approve any changes in articles

One consistent theme, however, is that the Code has forced sports bodies to engage with their membership, who have approval rights over any constitutional changes. Many of these organisations are built on decades of history and tradition, and making changes in the way they are run is a sensitive task. Incorporated bodies need 75% of their members to approve any changes to their articles. Some of the changes introduced by the Code took powers away from members who had the right to, for example, elect a majority of the board.

In such a scenario, a 75% threshold suddenly seems quite high. Certainly, approval for changes must not be taken for granted. Table Tennis England had its funding suspended in July 2017, when its members failed to approve the proposed changes (they passed on a second attempt a month later), and British Cycling came close to failing to pass the changes when regional representatives voiced serious concerns about the centralisation of decision-making authority. Ultimately, however, the Code prompted changes throughout the world of sport and undoubtedly kick-started a focus on governance within UK sports organisations that has continued to date.



Tom Bruce
Partner,
Farrer & Co



Emily Jamieson
Associate,
Farrer & Co

Focus of governance

You only need to look at recent doping scandals to see how an issue of governance can lead the public to lose faith in the integrity of a sport and its participants.

Elsewhere, corruption allegations against FIFA executives placed the body's many governance problems in the spotlight, and what emerged has done real further damage to the credibility of the world governing body.

A key governance issue in sport is safeguarding. This is not a concern that is unique to sport, but it is fundamental to a sector that engages children and young people playing and training in a wide variety of contexts and settings. Commercial partners and sponsors now routinely ask about safeguarding measures as part of their due diligence before forming a relationship with a sports organisation.

Data security is another very serious risk consideration in sport. The requirements of the GDPR need close attention, particularly in a sector where membership and participant databases can be vast. The information collected must be handled with care to avoid incurring legal, financial and reputational penalties.

At the forefront of governance issues grounded in gender are the gender pay gap and the #MeToo movement, which are quite rightly hitting the headlines. Any organisation that cannot demonstrate a genuine commitment to gender equality, from the top down, is opening itself up to challenge and criticism, not to mention a headline-grabbing crisis.

Connecting all of the above is the fact that, more than ever, poor governance is a major reputational risk. Perhaps as recently as 10 years ago you could have argued that the media and the public were just not interested in matters of governance, instead preferring to focus on individual stars or medal tallies. Today, a governance scandal (be that connected to gender equality, doping, safeguarding, data or any other area) can and will hit the back – or even the front – pages.

Making the case for gender diversity

Gender diversity and good governance go hand in hand. Increasing the number of women on boards is by no means a guarantee of a well-governed organisation, but it is one of the fundamental building blocks.

A key point to emphasise is that a balanced board will be better at seeing both the risks and the opportunities that face an organisation. It is proven that a more diverse board equates to better performance.

Gender is of course only one part of the diversity equation, but women make up more than 50% of the population. As such, a balance of men and women on a board is a very good place to start and will automatically increase the likelihood of an organisation benefitting from a genuine cross-section of knowledge and experience.

In the sports sector, standing in the way of a balanced board can be a belief that all members of a board should have some background in or experience of the sport itself.

> “Gender diversity and good governance go hand in hand... a balanced board will be better at seeing both the risks and the opportunities that face an organisation.

Tom Bruce
Partner, Farrer & Co

> “Poor governance is a major reputational risk. Today, a governance scandal... can and will hit the back – or even the front – pages.

Emily Jamieson
Associate, Farrer & Co

That is very limiting, especially for certain sports that may not currently have particularly diverse participation (even if they are working towards that goal). To secure real diversity, an organisation cannot afford to so severely limit its pool of candidates.

A focus on governance is not just about achieving change at the top. A properly appointed, balanced board can implement a top-down process of improvement and diversification within the organisation and the sport. The members of a genuinely diverse board will contribute different perspectives and varying experiences and ideas, whether those relate to grass roots participation, marketing and advertising, or the way competitions are run.

Sports organisations sometimes don't like to consider themselves "an operating business"; we all know that sport is so much more than balancing the books. Ultimately, though, any organisation, for profit or not, needs to be run prudently and professionally. As stated above, it is proven that without diversity at the top levels of decision-making processes, an organisation will be less effective. Get diversity right, and success is more likely to follow, reflected in representation on the back pages, participation, the medal table and the playing field.

Tactics for change: commercial leverage, sponsorship and rights

The sponsorship and income potential for women's sport is at an early stage of being realised.

Nikita Parris celebrates with Steph Houghton after scoring her team's first goal during the 2019 FIFA Women's World Cup match between England and Scotland at Stade de Nice, June 2019.



But tangible progress in recent years has been noticed and, increasingly, measured. It is clear that commercial brands are increasingly embracing the opportunities that women's sport can offer. It puts them in front of a young and diverse audience, and brings with it a host of positive associations. Sponsorship is being channelled through governing bodies, championship rights holders and commercial clubs.

Figures from the data analytics company Nielsen indicate that the number of women's sport sponsorship deals increased by 47% between 2013 and 2017. The average deal size went up by 38% in the same period.

The Nielsen research explored consumers' views of women's sport, finding that significant proportions of those polled perceive it to be inspiring, progressive and clean. The research also underlined that major women's events have a high and growing awareness amongst consumers. Football has been in a position to lead the way.

> Certainly, the quality of women's sport is improving, as is consumer interest, so the backdrop is favourable and I believe there is a desire by the clubs to increase participation for women at all levels.

Lucy Pearson
Head of FA Education,
The Football Association
Farrer & Co roundtable

The Barclays partnership with the FA to become title sponsor for the Women's Super League has attracted the headlines, underlining the growing commercial opportunities in women's sport.

The top tier of women's football now benefits from this multimillion-pound deal that runs from the 2019-20 season, through to 2022. The deal includes a £500,000 prize fund for the League, as well as record levels of investment in the women's game.

There have been other headline-grabbing developments over recent months: Lucozade's partnership with the Lionesses, which saw the soft drinks brand release 16 million special edition bottles featuring captain Steph Houghton and forward Nikita Parris.

47%

increase in women's sport sponsorship deals between 2013 and 2017

Gatorade became an official partner of the Manchester City women's team, and Nike became the official match ball supplier for UEFA women's competitions including the Women's Champions League and the UEFA Women's EURO 2021. UEFA also sealed a deal with Visa, which makes it the first ever main sponsor of women's football in a seven-year deal. These follow in the wake of other brands that acted early to begin partnerships in women's sport: SSE with the Women's FA Cup, O2 with England's Red Roses rugby team, and Investec with women's hockey.

This is a positive picture of engagement by some of the world's best-known brands and of growing sophistication in terms of campaigns, but it is clear that women's sport still represents a somewhat under-exploited opportunity.

On a macro-level, investment in men's sports still towers over that of women. Women in Sport estimates that between 2011 and 2013 (the most recently available figures), women's sport received 0.4% of reported UK sponsorship deals.

Many observers sense that we are at a moment of major opportunity. This is an uncluttered market, with relatively low investment capturing a valuable expanding audience profile.

Brands that are getting involved perceive the benefit of investing in a way that underlines their own values. SSE was clear when it signed its deal to sponsor the Women's FA Cup for four years that it felt it sent a powerful message about the brand's commitment to diversity and inclusion.

At a glance

Consumers view women's sport as "inspiring, progressive and clean"

The average sponsorship deal size is increasing

In football, sharing a sponsor with the men's game has signalled the importance of the women's game at this stage in its development

Developing women's sports is increasingly recognised as a way to grow audiences and incomes

In the long term, unbundling the rights of men's and women's teams within sports will increase the opportunities for women's sport

Good media coverage is key to growing sponsorship and income for women's sports

A time of opportunity and growth

This is a critical time in the commercial trajectory of women's sports.

Team GB Rugby 7's athlete Emily Scarratt pictured in Adidas Team GB Rio 2016 Olympic kit.



Words by Owen O'Rorke

The coverage and success of recent tournaments has captured the public imagination, and failure to capitalise on this could set back the commercial prospects for another four years or more.

At the same time, some women's sports find themselves at a crossroads where they have to decide what their own brand, as distinct from the men's game is, if they are to maximise potential revenues.

In certain fields, namely tennis and athletics, individual achievement has always been celebrated by the media and public, regardless of gender, even if earnings and sponsorship deals are still failing to reflect that potential. For some team sports, like netball and, to an extent, hockey, there is already a distinct identity to the women's game. However, these sports have limited resources for investment compared to sports where women's clubs are partly subsidised by the men's game: one thinks immediately of football, cricket and, to an extent, rugby, where women's clubs share facilities and sometimes, even names with strong existing brands. The issue that the latter sports face, then, is to ensure that the women's game has its own clear identity that will appeal to sponsors.

It starts with the product, of course, and investment triggers a virtuous circle whereby, as the game improves both technically and as a spectacle, the media and broadcast coverage carry it forward – ideally led by success on the field. Then, rights holders begin to have more choice in terms of commercial partners, leading to greater revenues and more investment.

Summer 2019 has created a huge opportunity in football. At the 2015 FIFA Women's World Cup, peak television viewing figures for an England game reached four million whereas just four years later, that number had almost tripled to 11.7 million for the semi-final. While one includes online and mobile devices, increasingly the most important metric, some 28.1 million (or 47% of the UK population) watched the BBC coverage of the tournament. The gender split showed a rough 60-40 balance between male and female viewers, which is both interesting and encouraging.

Of course, there is now pressure on the Lionesses to back this up on the field with momentum in their results, which is not easy. But a great deal of goodwill has been generated because of the free-to-air nature of the spectacle, an increasing rarity. The FIFA Women's World Cup run was watched by many more in the UK than the successful men's cricket World Cup the same summer, which was limited to Sky viewers (and where in-match audiences peaked at 1.8 million).

This is an issue that cricket recognises, with the ECB's The Hundred tournament simultaneously launching free-to-air men's and women's franchises and announcing a £50 million five-year plan for the women's game. Again, this is a sport where on-field results for England – as for India – had seen some of the momentum from the previous summer's women's World Cup drop off, hence the need for investment back into the sport.

Coverage across all media has a vital role, both culturally and commercially. It is only now that we have BBC online not making category distinctions between cricket and women's cricket, and football and women's football. Newspapers are following suit. Changes like this help to progress equality and keep women's sport front and centre in the national consciousness.

However, it is still important that women's sport retains an element of individual identity that is different to the men's offering. Take the Barclays FA Women's Super League deal: Barclays' financial commitment up until 2022 is tiny compared to the men's game, but it is the most significant investment in women's sport in this country. The fact that Barclays is also a major player in the men's Premier League has some positive implications at this stage: being at the same table sends a strong signal about the status of the women's game. We have also seen this in NatWest's support for cricket and its "Cricket has no boundaries" campaign.

However, just weeks after that deal was announced, the England women's national football team inked a deal with Boots – a sponsor with good synergies in terms of healthy lifestyle, fitness, and appeal across the sexes that (even in 2019) might not be seen as a natural fit in the more macho world of men's sport.

> "Sponsors have a role to play alongside the media in helping change the narrative, and doing so can only improve the commercial prospects for everyone.

So, there is a delicate balance in getting the messaging right, and attracting a diversity of brand partners.

While long-term, single-sponsor relationships bring stability, rights holders usually prefer the greater revenue potential in the ability to break up their rights individually and build a portfolio of partners. Shorter deals for broadcast, kit, or naming rights are less certain in terms of financial planning, but enable both parties to be agile and move with fast-changing consumer habits. That should apply to women's sport as much to men's, but the reality at the moment is that it remains less of a seller's market – so, with investment at a premium, risky and dynamic partnerships may be less attractive (or feasible) for women's rights holders compared to locking in lower-yield deals with steady sponsors.

£50m

ECB's five-year plan for the women's game

For these reasons, it will take time before we can expect the figures involved to compete with the men's game. But there are positives in the current differentiation.

The atmosphere at women's football games is attracting very positive responses compared to the men's game, and – in a #MeToo era, where sports sponsors have become hugely switched on to equality, diversity and inclusion issues – this is a key consideration in brand management and reputation.

Equally, sport is a barometer for society, and if we want young girls to grow up knowing they have the same opportunities as young boys, then it is important that this is reflected in the media and how the product is marketed.

Serious commercial interest in many women's sports is still at an early stage, and being mindful of its importance does not immediately translate into taking investment risks.

Major commercial players are not charities, after all. But sponsors have a role to play alongside the media in helping change the narrative, and doing so can only improve the commercial prospects for everyone.



Owen O'Rorke
Senior Associate,
Farrer & Co

You say soccer: a look at the US

US women's soccer shone at the 2019 World Cup, taking home the trophy for the fourth time by defeating the Netherlands 2-0 in the final.

> “
> The National Women's Soccer League (NWSL) is the top league in US women's soccer, comprising nine teams spread across the country.

Words by Sally Mantell

The final was watched by 16 million viewers in the US, and over five million in the Netherlands.

The team's Megan Rapinoe was named the World Cup's best player, and has secured a high media profile. Something is going well for women's soccer in the US, but while it is a positive case study for women's sport, there is still much progress to be made until parity with men's sport is achieved.

The National Women's Soccer League (NWSL) is the top league in US women's soccer, comprising nine teams spread across the country. It is owned by the teams, and receives financial backing from both the United States Soccer Federation (USSF) and the Canadian Soccer Association, which pay the salaries of many of the members of their respective national teams.

Controversially, those salaries are subject to a cap of $46,200 for the players – which contrasts with a $70,250 minimum for the top 24 players in each men's team in the top US soccer league.

On the commercial side, sponsors are generally seeing the NWSL as a good investment. The league has a sponsorship deal with Budweiser, and completed a deal with ESPN over the summer for the network to show its play-off matches in October. It was recently announced that Nike would also continue to sponsor the NWSL for a further three years until 2022, having been partnered with the NWSL since 2013.

But the NWSL has had its challenges. A previous television partnership between the NWSL and A+E Networks, which owned a 25% stake in the league, terminated prematurely towards the beginning of 2019. While the reasons for the termination were not straightforward, some commentators may draw adverse inferences when women's soccer is at a formative stage. Attendance at NWSL matches is significant, with average crowds at League matches reaching 7,000. The Portland Thorns is the club that draws the largest crowds in the League, regularly attracting 19,000 supporters.



The million-dollar question is – how can the successes of American women's club soccer be replicated elsewhere? The Portland Thorns, like the city's basketball team, provides the 600,000 residents with the area's major league sporting focus. Portland's focus on these teams means that they are well-supported.

US women's clubs have generally capitalised on sponsorship opportunities themselves, but these tend to be focused on marketing to the community in which the team is based.

It may be a sense of community that attracts the players to the clubs. Given salaries for players are capped by the NWSL at a relatively modest level, there is little scope for clubs to enter bidding wars for players. However, on a global scale, the NWSL is arguably the most developed and successful women's soccer league. Players seem to be attracted by the League as a whole rather than by a specific club.

19,000

supporters regularly attend league matches played at Portland Thorns

USA players lifting trophy at 2019 FIFA Women's World Cup France Final match between USA and The Netherlands at Stade de Lyon, July 2019.



At the other end of the player spectrum, grassroots engagement must be an area of focus for clubs and for the league in order to secure its future. USSF is tackling this by targeting coaches. It recently launched eight new grassroots coaching courses, designed to familiarise coaches with USSF's approach. No doubt the intention is to unify the coaching experience at grassroots level in line with that promoted by USSF.

Underlying all of the efforts to improve grassroots participation is the grassroots model of "pay to play", meaning that participants from higher socio-economic backgrounds have better access to soccer opportunities than their peers from lower socio-economic backgrounds. USA team star and Orlando Pride player Alex Morgan has been critical of this model, and claims it is detrimental to the growth of soccer in the US. The Portland Thorns has an academy to foster talent for its NWSL team, but participation fees start at $2,850 for the 2019-2020 season, effectively locking out the poorer players. Good outreach efforts do exist though. Florida's Orlando Pride team is one of many that provides free soccer sessions in the community via a charitable foundation.

As in other jurisdictions, equality and diversity in governance has been the subject of scrutiny. At the top level, just under 30% of the USSF's Board of Directors are women. The NWSL has an Executive Committee on which players from the league's teams sit, all of whom are female. At club level, the directors tend to be male: 30% of the Portland Thorns' (combined with the Portland Timbers) executive staff are women, both of the directors of Orlando Pride (combined with Orlando City) are male, as are both of the directors of North Carolina Courage (combined with North Carolina FC).



Sally Mantell
Associate,
Farrer & Co

40:40:20 FIFA's vision for balanced boards

As it stands, there are inequalities in participation, leadership and recognition of women in football.

Words by Paloma Livesey

FIFA admits in its report, FIFA 2.0: The Vision for the Future, that "Football's 30 million female players deserve more from FIFA, which will work diligently to further develop women's football with the same tenacity it has applied to its other efforts to grow the game." To address this concern, the implementation of the 40:40:20 Policy has been strongly encouraged to facilitate long term cultural change throughout the industry. This means that a minimum of 40% women and 40% men should be present on all boards, with the remaining 20% being discretionary.

In Australia women are underrepresented in all areas of football from grassroots club committees to the Football Federation Australia (FFA) board. Football has been viewed as a male dominated sport with 21% of players being female and only 24% of Board members being women. The introduction of the 40:40:20 Policy by the Sports Ministry in Australia serves as a national campaign and initiative with the intention of receiving support from sports governing bodies around the world. The FFA has gone one step further by increasing investment in development officers at Member Federations and will be rolling out training to address gender bias.

> "In Australia, women are underrepresented in all areas of football, from grassroots club committees to the FFA board.

The FFA has also sought guidance from the Australian Security Exchange (ASX) Corporate Governance Principles/ Recommendations and Marshall Government Initiative which reminds sporting organisations of their commitments to the 40:40:20 Policy. The ASX Principles highlight the importance of ASX200 companies setting targets to increase the number of women on their Boards and at senior executive level.

The Marshall Government Initiative also reminds sporting organisations that, of the 27 organisations engaged in the 40:40:20 Policy, 16 (59%) have already met this requirement. The Policy ensures that there is a pathway for both men and women to reinforce an inclusive culture amongst state sporting boards, with the Liberal State Government now urging all 73 sporting organisations who receive taxpayer funding to meet the 40:40:20 Policy by July 2021.

In the UK, FIFA has responded to the need to address gender bias in football by implementing its own Women in Football Leadership Scheme and Coach Mentorship Programme. More recently, FIFA has introduced its own Women's Football Strategy which focuses on five core values, ranging from "Develop and Grow" to "Educate and Empower". All five values work in tandem to "grow the game of football, protect its integrity and bring the game to all", charting the course for how FIFA will work with confederations and other stakeholders to confront and surmount the challenges in football.

The implementation of various articles within the FIFA Statutes such as Articles 2(f) and 15(k), addresses FIFA's overall objectives and ongoing work with member associations to increase female representation in football, setting a good example to illustrate what other sports bodies should be doing to respond to the 40:40:20 Policy.

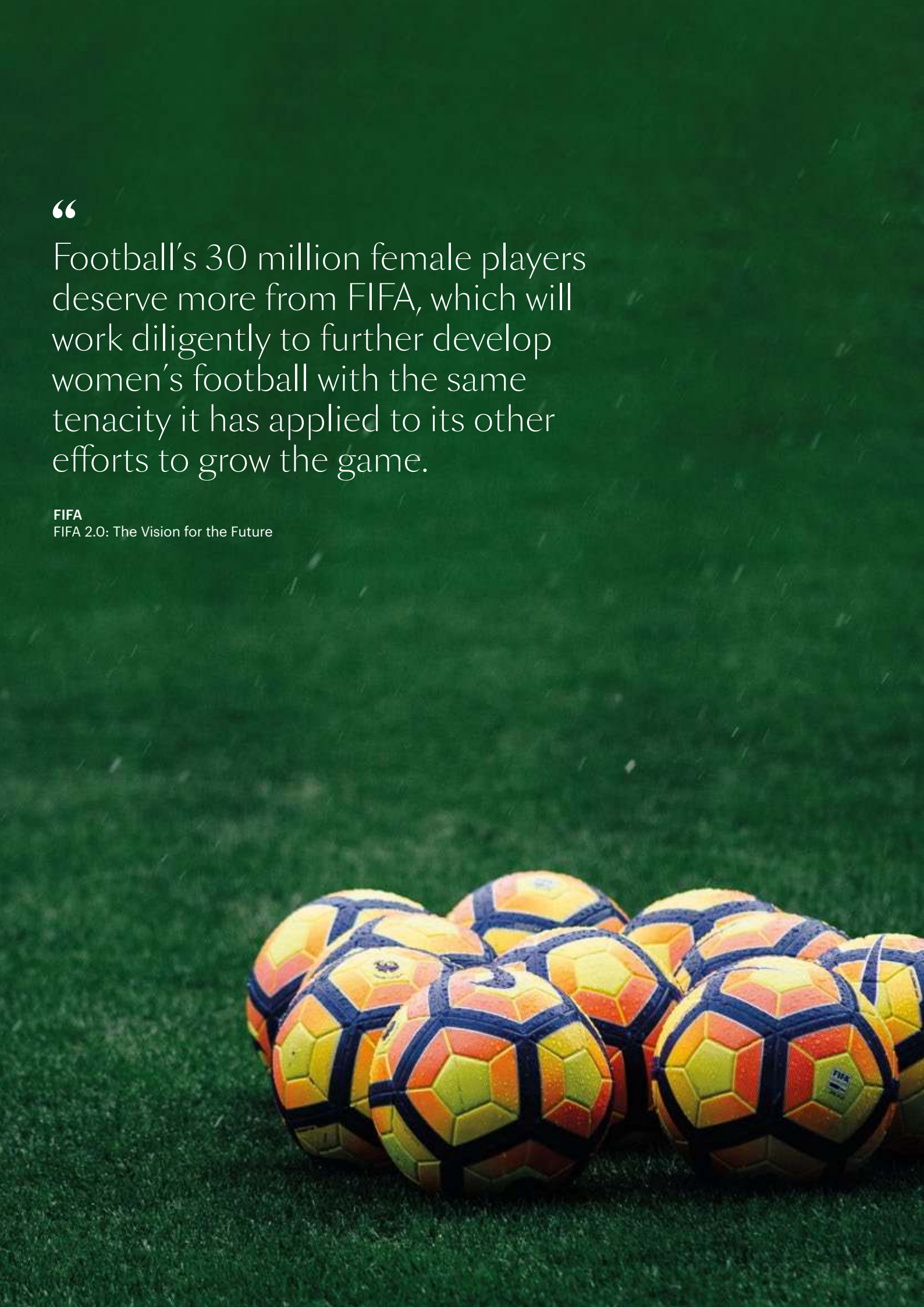


Paloma Livesey
Paralegal,
Farrer & Co

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Football’s 30 million female players deserve more from FIFA, which will work diligently to further develop women’s football with the same tenacity it has applied to its other efforts to grow the game.

FIFA
FIFA 2.0: The Vision for the Future



Only the beginning...

In talking to those most closely engaged in women's sport, we asked not just "how" it might level the playing field with the men's game, but also "why" – in other words, what is the aim here?



“

For Lewes FC, gender equality and parity between the men’s and women’s teams was a question of survival of the club. They also have huge female participation as they had to pull on all support and ensure that this was a concerted effort from the whole community. It requires a big investment in terms of time and personnel.

Stuart Fuller
Chairman, Lewes Football Club
Farrer & Co roundtable

There are many reasons “why”. The first, of course, is that greater equality is an end in itself.

Women and girls have the ambition to participate in sport and to achieve the best they can, including at the elite level. They should be given the opportunity to realise those ambitions.

Such achievements require infrastructure – access to facilities and coaches, the money to take part, to tour venues away from home, and to train with the best. As is noted in this paper, a situation where a club’s first women’s team is treated as its eighth team is not satisfactory.

This is not just about elite athletes, though it is clear that when elite achievements happen in any sport, the possibility of a boost for grassroots participation is opened up. A core aim of widening participation in sport is for people to be fitter and happier – and for women, that participation gap, though narrowing, is still significant.

Such a boost is not automatic, though. Schools need to offer opportunities, there have to be clubs to join. They need facilities, training and coaching that is set up to accept and develop women and girls.

Attention also has to be paid to public sporting events – not least the marketing and location, as well as the spectator experience. For many sports, these can be in contrast to the men’s game. A better family atmosphere may prevail, and supporter aggression levels be reduced as a result (though not levels of passion).

There has been a big focus on football. As we try to identify ways to make progress for women’s sport, that is perhaps inevitable. Football is a bellwether sport. It has the most supporters, and the commercial and income opportunities are more advanced. It is also one of a handful of sports where the women’s teams have captured the public imagination.

But Sport England in particular can point to progress across the board, notably in sports governance. By linking the requirements of its Code – a board that is at least 30% male and 30% female – to funding, it has ensured that almost all national governing bodies have come into line with this aspiration.

The Olympics also emerges as a force for good here. As our own data research shows, governing bodies and clubs in Olympic-recognised sports out-perform others on this measure. We know that diverse boards boost organisational performance, because a diverse board is better at spotting risks and capitalising on opportunities. Among the opportunities that should not be missed is the enormous potential for women’s sport across the board – the achievements we have seen to date should only be the beginning.

“

The critical success factor will be creating a deliberate environment for change.

Lucy Pearson
Head of FA Education,
The Football Association
Farrer & Co roundtable

Methodology

In framing the issues tackled in this paper, Farrer & Co has drawn heavily on the expertise of its lawyers, and their experience of working with the national governing bodies of sports, major commercial clubs and organisations, high-profile sports men and women, and international federations, spanning a multitude of sports including football, athletics, rugby, tennis, golf, rowing, swimming and the British Olympic Association, to whom the firm has been a longstanding adviser.

The paper is underpinned by comprehensive data research covering Sport England-recognised governing bodies and commercial clubs. This has been supplemented by in-depth interviews with leading figures in sport, publicly available material (see sources), and by a roundtable discussion convened to discuss the broad themes identified alongside the findings of our own data research.

The data we used was correct as of autumn 2019. We collected data on the number of men and women on each board of the 131 organisations we researched, and the number of women in senior positions in these boards. The senior roles included Chair, Vice Chair, President, Chief Executive Officer or Chief Financial Officer. We counted 57 organisations that are recognised by Sport England as national governing bodies, and our analysis of professional clubs included clubs in The English Premier League, The English Football League Championship, RFU Championship and County Championship. Where organisations are run by both an executive board and a management committee, we looked at the female representation for the organisation's senior management and executive as a whole in order to present an accurate picture of who is in charge. Although every best effort has been made to ensure the accuracy of the data we are reliant public records and there is some room for error. This is unlikely to change the overall picture which emerges from our findings.

Our analysis used data on the boards of the following clubs and governing bodies:

AFC Bournemouth; Angling Trust; Arsenal; Aston Villa; Badminton England; Barnsley Baseball Softball UK; Bath Rugby; Birmingham City; Blackburn Rovers; Boccia England; Boccia UK; Bowls Development Alliance; Brentford; Brighton & Hove Albion; Bristol Bears; Bristol City; British Canoeing; British Curling; British Cycling; British Equestrian Federation (BEF); British Fencing; British Gymnastics; British Judo; British Mountaineering Council (BMC); British Orienteering; British Para Table Tennis (BPTT); British Rowing; British Shooting; British Taekwondo Council; British Triathlon (British Triathlon Federation); British Water Ski & Wakeboard (BWSW); British Weight Lifting; British Wrestling; Burnley FC; Cardiff City FC; Charlton Athletic; Chelsea; Crystal Palace; Derby County; Derbyshire County Cricket; Durham County Cricket; EMD (Exercise, Move, Dance) UK; England and Wales Cricket Board (ECB); England Athletics; England Basketball; England Boxing; England Golf; England Handball; England Hockey; England Lacrosse; England Netball; England Squash; Essex County Cricket; Everton; Exeter Rugby Chiefs; Fulham; GB Archery – The Grand National Archery Society T/A Archery GB; GB Badminton; GB Basketball; GB Boxing; GB Hockey; GB Snowsport; GB Taekwondo; Glamorgan County Cricket; Gloucester Rugby; Gloucestershire County Cricket; Goalball UK; Great Britain Wheelchair Basketball Association (GWBA); Great Britain Wheelchair Rugby (GBWR); Hampshire County Cricket; Harlequins; Huddersfield Town; Hull City; Kent County Cricket; Lancashire County Cricket; Lawn Tennis Association (LTA); Leeds United; Leicester City; Leicester Tigers; Leicestershire County Cricket; Liverpool; London Irish; Luton Town; Manchester City; Manchester United; Middlesbrough; Middlesex County Cricket; Millwall; Newcastle United; Northampton Saints; Northants County Cricket; Norwich City; Nottingham Forest; Nottinghamshire County Cricket; Pentathlon GB; Preston North End; Queens Park Rangers; Reading; Rounders England; Royal Yachting Association (RYA); Rugby Football League; Rugby Football Union; Sale Sharks; Saracens; Sheffield United; Sheffield Wednesday; Snowsport England; Somerset County Cricket; Southampton; Stoke City; Surrey County Cricket; Sussex County Cricket; Swansea City; Swim England; Table Tennis England; Taekwondo Organisation Ltd; The Football Association (FA); The Rugby Football Union (RFU); Tottenham Hotspur; UKA – UK Athletics Ltd; Volleyball England; Warwickshire County Cricket; Wasps; Watford; West Bromwich Albion; West Ham United; Wigan Athletic; Wolverhampton Wanderers; Worcester Warriors; Worcestershire County Cricket; Yorkshire County Cricket.

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Sources

'Why was women's football banned in 1921?', *BBC* article, December 2014

'Hidden history of women's Rugby', De Montfort University, June 2017

'How Rugby can put a spring in your step', *Daily Telegraph*, June 2018

'The real Value of women's sport'. The Nielsen Sports Insight in partnership with Women's Sport Trust and England Hockey, August 2018

'Where are all the women?', Women in Sport, October 2018

'Play women's football matches in main stadiums to boost attendances', *The Guardian*, October 2018

'Barclays unveiled as women's Super League sponsor in ground breaking deal', *The Guardian*, March 2019

UEFA announcements

'Making the case for women's sport sponsorship', *Marketing Week* article, August 2018

'Investigating the commercial landscape of women's football', *The Independent*, August 2017

Women in Sport figures, 2015

'Gender Equality in sport: Getting closer every day', European Parliament report, March 2019

'Understanding Women's lives', Women in Sport report, August 2015

Active People Survey, Sport England, December 2016

'This Girl Can', Sport England, October 2018

'Barclays partnership', FA announcement, March 2019

'Gameplan for growth', FA announcement, March 2018

'Global strategy for women's football', FIFA announcement, October 2018

'Beyond Female Leadership in Sport', Women in Sport, February 2017

'Beyond 30% Workplace Culture in Sport', Women in Sport report, June 2018

'Viewership of Women's World Cup final exceeds 14 million on Fox', *LA Times*, July 2019

'Women's World Cup: Record-breaking numbers', *BBC* article, July 2019

'Sensational Rapinoe showered with gold', FIFA, July 2019

'Megan Rapinoe: "We're everything Trump loves – except that we're powerful women"', *The Guardian*, August 2019

'So, You've Become A Rabid Fan of Women's Soccer. Now What?', *National Public Radio* article, July 2019

'USWNT player salaries: USA women's soccer pay vs. men's team during World Cups,' *Sporting News*, June 2019

'National Women's Soccer League has played key role in U.S. Women's National Team's continued dominance', *The Oregonian*, August 2019

'NWSL Announces End To Partnership With A&E; Here's What It Means', Howard Megdal, *Forbes*, February 2019

'2019 NWSL Attendance', Soccer Stadium, October 2019

'Emma Hayes: Chelsea boss says 'pressure on' WSL to attract big crowds after record weekend', September 2019

'North Carolina FC owner says proposed downtown stadium is not contingent on an MLS franchise', *News & Observer*, March 2019

'Pelican Brewing Enters Multi-Year Sponsorship with Portland Thorns FC', Brew Public, July 2019

'Zulily sponsorship a sign of longstanding collaboration between Seattle Reign, Sounders', Suzie Rantz, blog, January 2019

'Five Things to Know About the U.S. Soccer Introduction to Grassroots Coaching Module', USNWT, January 2018

'Lloyd Biggs on A Reality Check on the Pay to Play Model', Lloyd Biggs, *Soccer Today*, February 2019

'Alex Morgan Says U.S. Youth Soccer Model Has Gotten Worse,' Michael LoRé, *Forbes*, July 2019

Portland Timbers Community Fund (timbers.com)

Orlando City Foundation (orlandocityfoundation.com)

USNWT (ussoccer.com)

'FIFA 2.0: the vision for the future', FIFA, October 2016

'Gender Equality Action Plan', Football Federation Australia, 2019

'Marshall Government Driving Equal Representation on Boards', Steven Marshall, Premier of South Australia, July 2019

'Who plays tennis? Adult segmentation', LTA, February 2016

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