

PE1319/D

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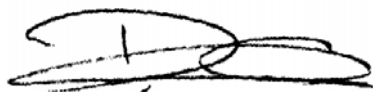
Dear Fergus

PETITION PE1319

Thank you for your letter of 21 April in which you seek the Scottish Government's response to a number of questions posed in relation to Petition PE1319 submitted by Mr William Smith and Mr Scott Roberston. The Petition calls on the Scottish Parliament to urge the Scottish Government to investigate the (1) legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years; (2) audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs; (3) social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity; and (4) appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years; and to (5) increase the educational target from 2 hours curricular physical activity to four hours per week; and (6) develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.

We have considered the issues raised in the petition and our response is detailed in the attached Annex.

Yours sincerely



Derek Grieve
Head of Sport Development

PE1319 – Scottish Government response

Following the committee's consideration of the Petition on 20 April 2010 the committee may wish to note that the Scottish Football Association (SFA) published the first stage of the Review of Scottish Football that Henry McLeish is chairing on 23 April 2010.

This review involved an extensive review of grassroots football and youth development coupled with an examination of facilities and resources currently available to aid the development of players and a critical analysis of the way in which young talent is nurtured and developed. The Scottish Government fully recognises the important role football plays in our communities and welcomes the publication of this comprehensive review which provides both the Government and the SFA with a number of recommendations.

The Petitioner calls on the Scottish Parliament to urge the Scottish Government to investigate six different points and I have responded to each in turn.

(1) legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years;

These registrations are between the individual/parents and the football clubs under the overall control of the SFA and the Scottish Government has no direct role in this. We have however written to the Scottish Football Association seeking that they ensure that the children's best interests are maintained at all times.

The Scottish Government is committed to supporting and promoting children's rights and the UN Convention on the Rights of the Child. This is a key strand underpinning our activity to improve outcomes for all Scotland's children and young people. We would expect individuals and organisations working with children and young people to follow all applicable laws, and to ensure the child's best interests are a primary consideration and that their views are sought and considered in all matters affecting them.

(2) audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs.

Again this is a matter for the SFA and not something that the Scottish Government would become directly involved in. However, in relation to the investment provided by the Scottish Government, either directly or through **sportscotland** there are appropriate controls and reporting mechanisms in place to ensure full propriety of public money.

sportscotland, the national agency responsible for sport conducts regular governance monitoring using independent experts to ensure that governing bodies are fit for purpose and that public money is being appropriately handled. The SFA underwent a fit-for-purpose audit in February 2008 and, as a result of this, **sportscotland** is confident in the organisation's governance structures.

(3) social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity.

As the recognised governing body for football and the independent authority responsible for all decisions regarding the operation of their sport the SFA are clearly the appropriate authority to resolve these issues and we would encourage them to resolve any issue or conflict within their sport.

The Scottish Government recognises that football goes a long way towards helping children achieve the minimum recommended activity levels but we would expect that the children's best interests to be the primary concern of all the SFA member clubs.

(4) appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years.

This is a matter for the SFA and the SFA member clubs to consider and, as such, is not something the Scottish Government would become directly involved in.

(5) increase the educational target from 2 hours curricular physical activity to four hours per week.

Curriculum for Excellence, which is currently being introduced in all schools, will embed at least 2 hours quality physical education in the curriculum in addition to physical activity and sport. In addition to the 2 hour commitment for physical education, the new curriculum framework facilitates opportunities for children and young people to participate in a wide range of activities in and around the school day.

We are already providing significant funding to local authorities, through the Concordat and through the £12m Active Schools Programme which supports schools and councils in their work to increase the amount of PE, physical activity and sport offered to pupils. The Active Schools Programme is providing extra opportunities for sport and physical activity in and around the school day and is embedded as a cornerstone of life in the vast majority of schools in Scotland.

The Scottish Government and local authorities are both committed to ensuring that schools best serve their communities, by making schools more open, accessible and welcoming at all times – this is one of the nine guiding principles of the new school Estate Strategy, *Building Better Schools*. We will continue to encourage and support our schools to provide the wider community with opportunities to take part in sport, and to develop an environment which encourages participation and supports the development of excellence.

(6) develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.

It is for the SFA to develop a facility strategy for football and not the Scottish Government but we recognise that many football pitches and 3g pitches are provided through local Government investment. Local decisions are rightly a matter for local authorities to take, taking into account local needs and priorities. The Scottish Government is committed to working with local authorities and our other key partners to ensure that we have in place the right facilities in the right places that will allow us to achieve our outcomes for sport and physical activity and deliver the lasting legacy of an Active Nation.

We would encourage the SFA to develop a national sports facilities strategy and **sportscotland** can help support them with this process. Local Authorities are also completing their sports facility strategies in line with local needs and priorities. This will help to identify any gaps in provision and ensure that the right facilities are built in the areas to best serve their communities.

Investment through the National and Regional Sports Facilities Strategy has had a significant positive impact on football with over £17m invested in world-class facilities that include indoor and outdoor synthetic football pitches at Aberdeen Sports Village (£7m), Torglen Regional indoor Training Centre (£3m) with Ravenscraig Regional Sports facility (£7.3m) due to open later this year.

We have some 5,900 pitches in Scotland, an ever increasing number of which are artificial pitches, with more 3G pitches and even some 4G pitches. In addition, investment in the upgrading of existing pitches is further improving the quality of facilities for sports and increasing their playing capacity, particularly at schools.

Future investment in facilities will be more targeted towards community sports hubs in future and will see **sportscotland** being more proactive in identifying areas for investment. Football clubs have a key role to play here in their communities forging and further developing their links within the community.

Will you carry out the investigations asked for in the petition?

The Review of Football that Henry McLeish has been chairing has covered a number of issues contained within the petition and gives us all the opportunity to sit down with our key partners and look at the type of support we offer to ensure we are best placed to secure maximum benefit for football and other sports in the future.

The Scottish Government has met with Mr McLeish during the course of his review and these meetings are continuing as we examine and explore how we can improve our investments into football and sport. We are giving careful consideration to the findings and look forward to seeing the recommendations put forward being implemented by the SFA in their role as the independent governing body for football in Scotland.

What are your views on the petition and the issues discussed at the meeting on 20 April?

Football is a sport that generates many different opinions and passions and it was interesting to hear the views of both the petitioners and the committee.

As the recognised governing body for football and the independent authority responsible for all decisions regarding the operation of their sport the SFA are the appropriate authority to resolve these issues. We would hope that through the responses to the committee the petitioners questions will have been addressed to their satisfaction.

What concerns do you have about the demands and impact (the legal, moral and general as the petition states) this is having on under 16 year olds signing on with professional football clubs?

The Scottish Government believes that both the Scottish football clubs involved within the Initiative and the SFA have a duty of care for all of the young people involved within the initiative which must be upheld.

What actions need to be taken, when, and by whom?

The McLeish Review makes a number of recommendations and we look forward to seeing the recommendations put forward on footballing matters, including the Youth Initiative, being implemented by the SFA in their role as the independent governing body for football in Scotland.

We have already had discussions with the SFA with a view to refreshing the Youth Action Plan in relation to the recommendations of the Review and we will continue these discussions in due course.

What evidence do you have as to the ages at which children and entering into registrations/contracts with professional clubs?

The Scottish Football Youth Initiative is a partnership between the SFA, the Scottish Premier League and the Scottish Football League. The Initiative is a youth development programme organised for participating clubs aiming to foster and develop the most talented young players at age levels 11 to 17.

What is your view on the legality of such registrations/contracts and the stipulations they make on the children concerned?

It is for those issuing such registrations to assure themselves that they are following all appropriate laws along with children's rights and legal capacity. The Scottish Government is committed to supporting and promoting children's rights and the UN Convention on the Rights of the Child. This is a key strand underpinning our activity to improve outcomes for all Scotland's children and young people. We would expect individuals and organisations working with children and young people to follow all applicable laws, and to ensure the child's best interests are a primary consideration and that their views are sought and considered in all matters affecting them.

Are these registrations/contracts fully compliant with national policies (e.g. the Children (Scotland) Act 1995, Age of Legal Capacity (Scotland) Act 1991) and international policies such as the European Convention on Human Rights and the UN Convention on the Rights of the Child?

The Scottish Government is committed to supporting and promoting children's rights and the UN Convention on the Rights of the Child. This is a key strand underpinning our activity to improve outcomes for all Scotland's children and young people. We would expect individuals and organisations working with children and young people to follow all applicable laws, and to ensure the child's best interests are a primary consideration and that their views are sought and considered in all matters affecting them.

What actions are you taking in response to the report of the Scottish Football Review Committee?

We are giving careful consideration to the findings and we have already had discussions with the SFA with a view to refreshing the Youth Action Plan in relation to the recommendations of the Review and these discussions will continue.

The Scottish Government has met with Mr McLeish during the course of his review and these meetings are continuing as we examine how we can improve our investments into football and sport.

As a public funder of the SFA what influence do you have on it in respect or issues 1-4 in the petition?

The Scottish Government are in regular contact with the SFA about a range of issues in their role as the recognised and independent governing body for football in Scotland.

sportscotland, as the national agency responsible for the development of sport and physical recreation in Scotland, work closely with sports governing bodies including the SFA, through a partnership management approach, to support them in developing their sport. This support can include investment of Scottish Government and National Lottery funding against specific objectives identified within their strategic plans, which meet the agencies priorities. As part of its investment process, **sportscotland** monitors progress against objectives.