

Realgrassroots

PE1319/I

Monday 21st June 2010

Mr. Fergus Cochrane,
Clerk to the Public Petition Committee,
TG.01,
The Scottish Parliament,
Edinburgh.
EH99 1SP

PUBLIC PETITION PE1319

In respect of the aforementioned petition and the responses received thus, Mr. Willie Smith and I would like to comment as follows:

We note that no reply has been received from Scottish Amateur FA, STUC and Scottish Child Law centre, Dutch FA, Edinburgh Council, North Ayrshire and the Department for work and Pensions.

We are particularly eager to pursue responses from the STUC, Child Law centre, DWP and the Council's written to. In addition we feel that the Scottish Schools FA should be afforded the opportunity to contribute to this Petition.

Having reviewed the written submissions received from various organisations, Willie Smith and I would respond as follows:

Scottish FA's Response

Question 1

Paragraph 1 & 2

Dispute SFA interpretation of contract and registration. Collins English dictionary states a contract is a 'formal agreement' between two or more parties. Further, this 'registration/contract' is imbalanced in that players over 11 years age do not have the option to leave the club, however, club can dispose of player.

Paragraph 3

The registration of player at 15 years of age can be continued for a further two seasons, creating a gross imbalance in the contract and thereby limiting the rights of the child.

Paragraph 4

Registrations of age group 15 despite the involvement of a parents signature and an independent witness clearly breaches the law as far as the "age of legal capacity - Section 2 (4) 1991" in that in contractual arrangement must be deemed to be fair and reasonable. We submit the current regulations and requirements placed on the child are not fair and not reasonable.

Paragraph 5

There is no statement on the reverse side of the registration form there is however an additional set of guidance notes that are quite separate and not always shown to the player and parents. As was the case with Kieran Gibbons whose father only received these when he requested a copy from the SFA registration secretary months after the player had signed. This particular case is about to be tested in a court of law.

Paragraph 6

The terminology used by the SFA of quote "the legality of the form" clearly demonstrates the use of contracts with minors previously denied by this organisation.

Question 3.

Paragraph 1

No club should have the authority to restrict a minor from playing football for a recreational club or his school football team in games or in participation of extra curricular activity.

Paragraph 2

The SFA currently advise that a player must practice or play around 10,000 hours over a ten year period to become a professional player. This equates to 19.2 hours per week. Given that, at best a player will train three times a week for a maximum of two hours and participate at most in a 90 minute match, thus totalling seven and half hours, we are clearly failing to provide young players with the ball time required. Therefore, the argument of over-playing seems ill founded.

Ask the SFA to substantiate the claim with specific evidence of children playing for two, three or even four Clubs per week in competing matches prior to the introduction of the SPYI. The rules governing the Scottish Youth Football Association would not have permitted this through their registration procedures. A player can only be registered for one club at any one time and no more than two clubs in any one season.

It is furthermore an insult to our teaching professionals that the SFA claim that their clubs can deliver social, educational and psychological benefits to these children in a way that schools and recreational clubs cannot.

Question 4.

Paragraph 1

The statement claims there is not a transfer system in operation for under 16 players.

This is disputed not only by the petitioners but also by some clubs in full membership of the association itself (Rangers F.C Celtic F.C) who have written to the SFA expressing their concerns.

Paragraph 3

This is a clear contradiction of the answer previously given. The SFA say the system is not in place to prevent a player moving clubs at the end of his registration, however, at age 15 and onwards, the club maintains the right to hold the player for a further two year period against the players wishes. This appears to prevent freedom of movement.

Question 5 & 6

We are pleased to note the SFA agree with our submissions on these matters and would ask the SFA to detail the points within this Petition they will be examining further.

SPL RESPONSE.

The petitioners wish to question some of the responses.

Question 2

There is no misunderstanding of the current registration procedures on the part of the petitioners.

Question 3

The petitioners suggest that the current registration documents are contracts. This is supported by legal advice and other professionals, including the Commissioner for Children and Young People in Scotland.

Question 4

The respondent states that the SPL board can intervene. He is aware of the case of Kieran Gibbons, Hamilton Academicals FC - why has the SPL board not intervene in this instance and why did Mr. Doncaster not advise this child's father in a written reply of the procedures he should use to request the assistance of the SPL board.

Question 7

The legality of the registration/contract is about to be contested in a court of law.

This statement takes no account of the fact that all clubs can only sign 20 players at any one age group, therefore it is not possible for the 'wealthier' clubs to Hoover up all the better players - rendering this argument meaningless.

The writer responds by quoting the successes of the pro-youth initiative and names certain players that the system has produced. Does he believe these players compare favourably with players produced prior to the introduction of the pro-youth initiative? Such as Graeme Souness, Kenny Dalglish, Alex McLeish, Jimmy Johnstone or more recently Darren Fletcher, Kenny Miller, Kevin Thompson, Andy Driver and Steven Whittaker? All these players were developed by boys club and schools football system without millions of pounds of taxpayer's assistance.

Clarification of number of point's - page 3

1. Mr Doncaster states that players aged U-19 player, can be released by the SPL board, if an agreement between two clubs is not reached. Does this just apply to players at Under 19, or ALL players aged under 19 years?
2. We are not talking about systems throughout the world - we are talking about the system currently operating in Scotland under Scottish Law. Is the only incentive for clubs to develop young talent, a financial one? There appears to be no other tax payer's assistance in sport in Scotland which is channelled into private businesses.

3. The Scottish system of producing the very best of quality players previously mentioned prior to the introduction of SPYI , did not have any compensation arrangement but provided better results.

Final Paragraph

The petitioners and the Commissioner for Children and Young People do not believe that the current system strikes a fair balance for club and for player.

Glasgow City Council Response

The petitioners question the answers given and requests that Mrs Corbett identifies the sources used to form her answers

Question 2

Surely all children under 16 whether entering into a pro-youth contract **or not** have their academic and social welfare monitored by their school and therefore the local authority has access to this information by simply checking with individual schools on the academic and welfare implications on any child attached to a professional football club?

Question 3

Mrs Corbett answers ‘As far as I can ascertain’ which dictionary means ‘to find out definitely’ - in order to establish a definitive answer we need to know exactly what sources Mrs Corbett or the council used to ascertain her answer.

Did she check with the headmasters of the 29 secondary schools in Glasgow?

Did she ask those schools individually what their experiences were with regards to any child’s academic or welfare progress being detrimentally affected by time spent with these clubs?

Did Mrs Corbett ask the local Schools FA for any input guidance or advice on their experience on this subject?

Question 4

Mrs Corbett responds by saying we have concerns about parents not being fully aware of the implications of signing a contract. We need to know what are those concerns and have safeguards been put in place to address those concerns?

Are procedures in place to keep parents and children fully informed of any implications that may arise out of being registered with a professional football club?

Is advice available to children and their parents on the potential impact on study time that may happen due to training three times a week and playing at the weekend?

Mrs Corbett refers to the School of Sport which gathers together talented youngsters from a variety of sports (not football) but this is an amateur organisation where monitoring of youngsters is relatively straight forward. This cannot be compared in any way whatsoever with an association with a professional football club and all that that implies.

Finally can we ask Mrs Corbett if she agrees with the SFA that clubs can ban children from playing for their schools?

Willie Smith and I have welcomed the written submissions of Dundee City Council, The Commissioner for Children and Young People and the National Secretary for the Scottish Youth FA.

We believe their observations and comments support our case and strengthen our Petition.

Kind regards,

Scott Robertson.

(On behalf of Realgrassroots)