

Realgrassroots

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

PE1319/M

Friday 17th September 2010

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, Scottish Child Law centre and the Department for Work and Pensions.

We are particularly eager to pursue responses from the Child Law centre and the DWP given the strong comments made by Mr. Tam Baillie regarding the legality of current football procedures. Indeed, as the Commissioner raises concerns about potential breaches of Scottish law (Age of Legal Capacity (Scotland) Act 1991) and European Law (UN Convention on the Rights of the Child) the Child Law centre must engage and provide opinion on these matters.

The STUC also raise the question of legality when they write *'There needs to be a thorough review by the appropriate bodies to establish why young players as young as eight are signing these agreements that appear to be to all intents and purposes a contract between two parties and in some cases may be illegal.'*

The petitioners would respectfully suggest that consideration be given to referring these matters to the Justice Committee for further investigation.

In addition we feel that the Scottish Schools FA should be afforded the opportunity to contribute to this Petition given this organisation accounts for over 30, 000 youngsters.

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 at any time.

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 parent's 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 was scheduled to be tested in court, however, the professional club involved capitulated and released the young player.

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 whether in games or in participation of extra curricular activity.

Paragraph 2

The SFA currently advises 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 7.5 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 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

This 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 i.e. 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 potentially against the player's 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 content as follows.

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 and STUC.

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 was to be tested in a court of law; however, the professional club released the player prior to the court date.

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 boy's 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 only to

players at Under 19 level, or ALL players aged under 19 years? i.e. under 17's, under 16's, under 15's, and so on.

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.

Can the SPL be invited to provide detail on the number of compensation payments made and the amounts transferred between clubs for young players over the past three seasons?

Should schools and boys club receive a contribution for training fee when a professional club signs a player?

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

Final Paragraph

The petitioners, the Commissioner for Children and Young People and STUC 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' – to ascertain, we find out something with certainty. In order to establish a definitive answer we need to know exactly what sources Mrs Corbett or the council used to obtain 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 occur 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?

The City of Edinburgh Council

We acknowledge the contents of the Council's reply and pay tribute to the work of the SFA South East Regions' staff in fostering an excellent working relation with the Council and the schools within its jurisdiction. We were please to read another authority questioning the Youth Initiative ruling banning children from participating in schools football.

Can the Council detail the primary or secondary schools who were invited to contribute to their response?

North Ayrshire

We are somewhat disappointed by the short reply submitted and note that they fail to properly respond to the question put by the Petition Committee. We welcome yet another Council of Scotland questioning the right of football clubs to restrict a youngster's participation in school activities.

Willie Smith and I have welcomed the written submissions of Dundee City Council, The Commissioner for Children and Young People, STUC and the National Secretary for the Scottish Youth FA which raise some very serious concerns over the way we are treating our young players in Scotland.

Looking Ahead

Moving forward and with the Rt Hon. Henry McLeish attending the Petition Committee meeting, we would pose the following questions:

In September 2009, the petitioners travelled to Stirling University and spoke directly to Mr. McLeish who promised to meet with us at a later date, he never did. The petitioners contacted Mr. McLeish several times via his personal email address and did not receive a response. The petitioners were extremely disappointed by this. Can Mr. McLeish be asked why he failed to engage?

In Appendix C of his report, Mr. McLeish states he will conduct '*an extensive review of grassroots football and youth development*'. He lists 63 people, organisations & departments he consulted with, ranging from SPL chairmen and executives to

Government Ministers. Some have described this as a journey from one lunch to another.

Can he provide what his understanding of grassroots football is and detail the real grassroots organisations that he engaged with during his 11-month review? What recreational/boys clubs, primary, secondary schools and what youth associations were visited to obtain their views and opinions?

Mr. McLeish states in his review (point 3) – ‘*Encourage the SSFA and the SYFA to work more closely together with additional help and resources*’. Can he expand on this recommendation?

We also understand that he failed to consult with our national youth coaches, Billy Stark and Ross Mathie and would ask if he intends to seek input from these individuals?

What education authorities were approached for their views on the current systems, registration procedures and restrictions placed on young people who enter the current youth initiative system?

Does Mr. McLeish offer any thoughts or comments on the replies received thus far by the Petitions’ Committee, in particular the views of the Commissioner for Children and Young People?

Can he provide comment on the success of the current pro-youth system?

Does he consider the current form of registration/contract to be a fair and balanced agreement between young player and professional club?

Does he believe that the Government and Scotland has received a positive return in terms of the talented young player and retained player participation given the financial investment made into professional clubs?

Does Mr. McLeish think that the tax-payer should continue to financially support professional clubs either directly or indirectly (i.e. via SportsScotland, Cash Back for Communities etc.) in the future?

Can he provide comment on the number of young people, teams and clubs engaged in the pro-youth system? What numbers does he think Scotland should be aiming to sustain?

In closing the Petitioners believe a number of the responses received raise serious concerns, support our case and strengthen our Petition.

Kind regards,

Scott Robertson & William Smith
(On behalf of Realgrassroots)