

PE1319/N

From: Varsha.STROUD@education.gsi.gov.uk
Sent: 29 September 2010 17:13
To: Cochrane FD (Fergus)
Cc: Jenny.BALLANTYNE@education.gsi.gov.uk;
Andy.HURDLE@education.gsi.gov.uk
Subject: Petition on football club contracts with children

Dear Fergus,

We recently received the attached enquiry on a petition about children being contracted with football clubs and were asked to consider the questions below.

- Do you have any comments to make, from an employment rights view, with respect to under 16 year olds entering into registrations/contracts with professional football clubs?

In terms of the employment rights, in general terms it is permissible to employ under-16s as long as the various statutory restrictions and requirements of our legislation are complied with. If the under 16s would be paid as a result of the contract they enter into with a football club, then the 1963 Children and Young Persons Act and the Children (Performance) Regulations 1968 would apply since these cover participation in paid sport. (If there is no payment involved, then it is unlikely that any of the children's employment legislation will apply.) The 1968 Regulations impose requirements about the need to obtain a licence for a child to participate in paid sporting activities, the education they must receive and that they should have suitable chaperones etc.

- Is this an issue which has been brought to your attention in England and what consideration have you given to it?

This is not an issue has previously been drawn to our attention or that we have considered in detail (or any of the concerns it might raise). However, Ministers are interested in reviewing the legislation concerning both child performance and child employment over the coming months and so this area may be reviewed as part of that work.

We liaised with colleagues at the Department of Culture, Media and Sport on this issue but they had nothing further to add. Do let me know if you would like to discuss anything.

Best wishes,

Varsha
Child Performance Division
Department for Education