

Tuesday 5th January 2016

Public Petitions Committee
Scottish Parliament
Holyrood
Edinburgh

Dear Convenor,

Public Petition PE1319

May we wish you a Happy New year and our best wishes for 2016.

It is now some six years since lodging our Public Petition at the Scottish parliament and we applaud all those members who have remained committed to the cause to improve the conditions and opportunities for young football players.

Realgrassroots welcome the response from Mr Tam Baillie, Commissioner for Children & Young People in Scotland dated 19th October. We will eagerly look forward to his thoughts having had time to examine the submission from the SFA and SPFL dated 20th November 2015.

We have ourselves reviewed the SFA/SPFL narrative following the meetings of the Working Group established between the two organisations.

We would make the following observations:

The Working Group meetings did not include any representative from the Scottish Schools FA nor the Scottish Youth FA despite these organisations having jurisdiction for thousands of Scotland's young players;

The player survey of 198 players represents less 7% (assuming a CAS membership of 3,000 players) therefore cannot be regarded as a reliable reflection of the memberships views. Cherry picking two quotes does not by any measure mean that the system is a successful operation.

It is stated that only 56% of clubs explained what signing a registration form meant to a young player. This is a shocking figure and flies in the face of previous evidence and claims that clubs always explain the process to the parent & child.

We welcome the introduction of a 28-day rule, but feel that whilst this would provide the player to opportunity to leave a club, this departure should not be conditional. Players should be free to leave and re-registration for any club, not just a recreational club.

Realgrassroots were pleased to read that a new rule would be introduced to remove any restrictions of players representing their school teams. This freedom of choice is wholly appropriate. We would add that the rule should ensure the CAS club cannot apply any form of pressure i.e. removal of training or match play time to disadvantage the player, indeed any direct or indirect pressure should invoke disciplinary action. In summary if any proposed rule contains a caveat i.e. 'welfare considerations' that permits a club to prevent a young player participating in schools football there is ultimately no change to the present situation.

In terms of the contentious 3 year registration/contract issue and would again repeat that the practice of tying a minor at the age of 15 years to a three year rolling commitment is illegal. It would be interesting to explore what evidence the Working Group could produce to support the claim that 'removal of this rule would have a negative impact on the health and well-being of the young persons involved'. Surely, not being shackled (with no control over their choices and destiny) would be rather liberating experience?

We remind the Committee that Section 2 of the Age of Legal Capacity (Scotland) Act 1991 states:

**A person under the age of 16 years shall have legal capacity to enter into a transaction—
(a) of a kind commonly entered into by persons of his age and circumstances, and
(b) on terms which are not unreasonable.**

Therefore, despite the arguments cited by the SFA/SPFL this one-sided, binding and unreasonable practice must cease whilst the player is a minor.

In respect of the matter of Compensation between clubs, it was interesting to note that one club involved in the Working Group claimed to have only insisted on payment in less than one third of instances were it was due. Does it not therefore beg the question if the matrix is the best solution to manage payments.

Realgrassroots are of the opinion that compensation should only be payable when a young players first registers on a professional contract. Therefore, all CAS membership clubs (who trained such a player) would reap a percentage reward for the investment and training of a successful young player. This model would broadly reflect the Solidarity Mechanism operated under the FIFA Regulations on the Status & Transfer of Players. Such a system would potentially negate the loss in revenue anticipated by our Scottish clubs.

In terms of the English clubs taking all Scottish talent south, is it not worth pointing out that such an opportunity for a young player to play for many clubs out with the English Premiership would mean full-time employment and a financially more secure future? We would contest that under European Employment law it is the right of any individual to freely move to any employer within European community. For Scottish clubs to attempt to restrict the right of young footballers to move freely in their chosen field of employment is potentially illegal and supports Mr Baillie's assertion that there needs to be an attitudinal change in our game.

It is clear to Realgrassroots that our petition is moving the clubs and governing bodies in the right direction. The many recent media articles in national newspapers have given several very prominent commentators and ex-professional players and managers the opportunity to discredit the failing CAS system.

Standing up for youth football

Realgrassroots met with new Scottish FA Performance Director Brian McClair who also expressed his concerns and it seems clear to us that any attempts to change will not be embraced or accepted willingly by Scotland's professional clubs. It therefore leads us to believe that any meaningful change must be driven by legislation from the Scottish Parliament.

We hope that the Public Petitions Committee continue with the enthusiasm and drive shown in previous years.

Yours faithfully,

William Smith
(On behalf of the Realgrassroots team)

Scott Robertson

cc. MSP Chic Brodie
Tam Baillie, SCCYP