

PE1319/WWW

Kenneth Hamilton submission of 15 November 2018

My son and I are aware of the long-standing issues that you and your fellow members of the Public Petitions Committee have in relation to the manner in which young players are treated by professional clubs in Scotland. We have followed recently the work of Realgrassroots and their Public Petition entitled 'Improving Youth Football' – PE1319.

Both Rory and I write to you now to outline our experience of Club Academy Scotland, professional clubs and the processes of the Scottish FA.

In April 2016, my son was a player with an Edinburgh based youth football club. Towards the end of the season, he was approached and invited to train with Livingston FC. This trial was successful and on 25th April 2016, Rory was asked to sign registration papers with Livingston FC. Rory was keen to advance his football career and so after some discussion, we agreed to sign and he would become a player for Livingston for season 2016/17.

The registration process was fairly straight-forward. After a training session one evening we were provided a form to sign. Both Rory and I completed the form, however, Livingston FC instructed us not to date the form. At the time we did not challenge this as Rory was so pleased to be taking this new and exciting step towards becoming a footballer.

Never at any time during the signing process was any documentary information either shown to Rory or me or even verbally explained to us that set out exactly what the implications and restrictions were of signing this document.

Notably, at the time of signing Rory was still training, playing and registered with the Edinburgh club.

The first season went well and he enjoyed his time at Livingston FC. He was progressing well and was a regular in the team and received positive feedback during his player assessments.

During the second season, 2017/18, his experience took a notable dip. This was in our minds partly triggered by Rory wishing to represent his school football team. A Livingston official did not approve and advised us in an e-mail message saying that if Rory represented the school this would have a direct impact on his playing time with Livingston. This is in conflict with Scottish FA rules which permit players to play for both school and Club Academy Scotland (CAS) teams.

Rory very much enjoyed time with his school friends and played in a match. The Livingston retribution was swift and he was given less playing time and told that he would continue to get less time on the pitch for Livingston if he continued to play for his school team.

Over the coming months, Rory's enjoyment of football at Livingston dwindled and he began to hate having to attend training. He began making up excuses, claiming he was unwell or injured in order to avoid participating in CAS football.

After, some soul-searching Rory and I agreed it would be best for his overall well-being if he left Livingston FC.

When we approached the relevant Livingston FC official we were shocked to find that they refused to release Rory. During our exchanges it was then revealed that Rory's registration could tie him to Livingston not only for the remainder of the season but for the following season, amounting to three years in all.

Rory and I were shocked at this situation and we contacted the Scottish FA offices at Hampden Park. I personally spoke with a senior CAS staff member who confirmed that the situation Rory found himself the victim of was all entirely within the rules. I was advised that he could potentially be released from registration by applying to the Children and Well-being Panel, however, the SFA staff member said that this process was lengthy and had only ever been used once before. He was very much of the opinion that Rory would be wasting his time and he should try and resolve any issue with Livingston FC.

Rory and I attempted to persuade Livingston FC to release him and return to playing football but they refused.

At this point, I contacted Realgrassroots for advice and spoke to Scott Robertson who offered to support Rory and I. Mr Robertson contacted the SFA and confirmed Rory's status. He then assisted us in applying to the Well-Being panel despite the negative view presented previously by the SFA.

The SFA arranged the panel meeting and we were invited to Hampden Park one evening. Mr Robertson accompanied us to provide support. This was a daunting prospect for Rory and I. We were advised that the panel would like to hear our story but that Livingston FC representatives would be present also.

The panel asked us to outline the reason for release and I must say that my son spoke directly to them and it is to his credit that he was able to articulate his position in such a setting.

During the panel hearing the Livingston FC representatives admitted that the failure to date the registration form was normal practice, the panel referred to the process as 'batching'. Livingston also revealed that 'all clubs do this'. It was explained as he was registered with the Edinburgh club, Livingston could NOT register him and therefore, they would omit the date until his registration with the Edinburgh club lapsed at the end of the season.

Mr Robertson commented to the panel that under SFA registration procedures that any form which was undated was in breach of the Registration Procedures and therefore rendered the form invalid.

After the hearing, Rory and I were asked to wait in an adjacent room and after some 25 minutes invited to return. The panel ordered the immediate cancellation of his registration. The Livingston FC representatives were most aggrieved and when asked by the panel the source of their frustration, they openly conceded that it was financially motivated. Should Rory be at some future time, be signed by another professional club then Livingston was more concerned with any loss of compensation payment than my son's well-being. There is no doubt that the CAS clubs are very much aware and prioritising potential profit over the well-being of young players. Livingston FC also stated during the hearing that not only were they planning in retaining Rory's registration for the remainder of the season but that they were planning to retain him for the following (2018-19) season, despite the fact that Rory had already left the club and no longer trained or played matches with them.

It is perhaps worth noting that during his time at Livingston FC I paid a monthly fee to cover Rory's training costs, so their claim for compensation seems hollow.

The following day Rory's registration was cancelled.

Rory returned to play with a local boys club and after some further discussion with the Realgrassroots team we felt it as appropriate to lodge a complaint with the Scottish FA.

I wrote to the SFA Compliance officer and was asked to provide a statement on behalf of Rory. I presumed that the evidence given at the Well-being Panel would be used to support the complaint, bearing in mind the admission of wrong-doing stated by the Livingston FC representatives. Rory and I were shocked to discover that the no record or Minute of the Well-being panel was taken.

We were asked to attend Hampden for a second time in order to have a witness statement noted from Rory. As Rory was studying for his exams and we do not reside close to Hampden, we advised the Compliance officer this was difficult to accommodate. After some dialogue, he agreed to send someone to us to note the statement. He informed us this would be a retired senior police officer. If this was designed to reassure us, it had the opposite effect and brought anxiety to us both.

Ultimately, we declined to be interviewed by the ex-police officer. The compliance officer agreed that a written statement would suffice on this occasion.

Once the statement was submitted a date for the Judicial Protocol Hearing was set. Rory and I were told that we would have to attend Hampden in person and that Rory could be cross examined by a lawyer representing Livingston FC. We were astonished by this news and I did not tell Rory. Exam stress was already enough for this youngster to deal with.

If we had been required to give evidence and be cross-examined I would have withdrawn the complaint. I could not have subjected my son to that environment. I couldn't help wonder if Minutes of the Well-being panel had been recorded this would have been unnecessary.

Shortly before the Hearing date, I was contacted by the Compliance officer and informed that Livingston FC had pled guilty. This was a huge relief. The Scottish FA website later confirmed that the club had been fined £2,000.

From beginning to end the whole process lasted several months. If it were not for the unwavering support of Scott Robertson and William Smith I doubt Rory and I would have been able to find the resolution we sought. It is quite conceivable that Rory would still either be out of football or involved with a football club that he was very unhappy at.

It is our belief that this is abusive treatment caused by the restrictions placed on young people who sign this registration document and are then tied in a power imbalance situation where the club and only the club have complete control over the young person for a period of 3 years is in breach of my sons rights under the United Nations Articles on the Rights of the Child.