

PE1319/HHH

Petitioner Letter to Minister for Public Health and Sport of 27 June 2016

Dear Minister,

Public Petition PE1319

We have received from Catherine Fergusson (Clerk to the Public Petitions Committee) a copy of your letter dated 17th June 2016 which was sent to the Petitions Committee.

Having considered the contents of your letter we write to you and the Petitions Committee to draw your attention to what we consider to be very serious inaccuracies contained within your submission.

'My officials have discussed these concerns extensively with the Scottish FA, SPFL, PFA Scotland and a number of individual clubs. They have also shared a copy of this response with Children and Young People's Commissioner Scotland.'

In the first instance we need to make you aware of our surprise that you quote that PFA Scotland were included in 'extensive discussions' with your officials regarding the issues within our petition. So much so that we made contact with Mr Fraser Wishart, CEO of PFA Scotland only to be advised by him that neither he nor his association had at any time been involved in any formal or extensive discussions with your officials regarding the issues within our petition. Mr Wishart also made clear his annoyance that he and his organisation have been used in the way that your letter portrays.

Mr Wishart is on annual leave for two weeks but has confirmed he will take this matter up further when he returns.

We acknowledge that you rely greatly on briefings from your officials but in the light of Mr Wishart's commentary, coupled with other assertions in your letter which we will set out, we have no alternative but to respectfully request your letter is withdrawn from the Committee. This will prevent any adverse influence it may have on the minds of Committee members.

The following are our observations on the other assertions in your letter.

'The views of children and young people have been sought' – it is not surprising this is included in your letter, however, with respect let us make the point that this information was obtained without any forum of 'independent scrutiny' and was taken

from as a little as 6% of the total children & young people within the CAS system. This limited survey was conducted by clubs themselves and involved players currently within the system. It appears no youngsters who were no longer within the system were approached. This form of cherry-picking exercise among a small group can in no way be deemed fair, reflective or credible as a survey.

Your letter mentions the appointment of a Safeguarding Manager, a development which we welcome. We would seek to ensure this person addresses with some urgency a gap in the protection policy which allows unregistered and unregulated, therefore potentially unscrupulous people to covet, track and approach children as young as 8 years for the purpose signing them into lengthy contracts. The lack of regulation in the arena of youth football agents is worrying.

Perhaps it might be you worth writing to the Scottish FA to ask what their Child Protection Policy consists of in this regard.

'Within Club Academy Scotland (CAS), clubs will be able to commit to a player for a one year period. This represents a significant improvement - although we agree these players must have the same access to training and development as other players.'

If you consider this to be an improvement then we take great credit in that, like many other improvements such as the introduction of the 28 day rule and the complaints & mediation mechanism were only introduced following protracted negotiations over approximately six years between Realgrassroots and the Scottish FA, this despite their clubs intransigence on compromising on any of these issues.

In your letter and I quote ***'I understand that there will be no restrictions placed on children to play for their schools teams'***. This is wholly inaccurate as the clubs are insisting on a caveat that will allow them to retain control over a player's choices. They have achieved this by inserting into the rule that they can prevent a young player from representing his school team if they (the club) deem it contrary to 'appropriate welfare conditions'. For the benefit of any doubt the decision to play for one's school team and engage with their peers should be solely a decision for the player and his parent/guardian. No club should be permitted to effect any pressure or undue influence in this regard.

We would draw your attention that from the outset of our petition we have gained support from not only Scotland's Commissioner for Children Young People, but also the Child Law Centre, the STUC and many in the legal profession.

We note also that your letter fails to address key aspects of our petition;

3 year rolling contracts. A young player signs for a period of one year, however at the age of 15 he is drawn into a one-sided contract, whereby at the end of the initial one year the club and only the club can retain him as a player. The player has no exit clause. This contract can again be continued into a third and final year with no escape route available to the young player. This binding of a player for a fixed 3 year term is an unacceptable condition which interferes with any citizen's rights of freedom of choice and movement.

We must also ensure that the compensation payments do not impinge on the development, participation and enjoyment of a young player within football. The player must not become a commodity as Mr Baillie has often referenced.

In closing we are heartened that you are not closed to the idea of external regulation and this option must remain valid. It is not lost on the Realgrassroots campaign that the Scottish FA whilst in theory are the governing body are ham-strung by their members clubs and their representatives who hold the votes required to implement change.

In closing Realgrassroots are supportive of the proposal to draw evidence from the Scottish Schools FA and Scottish Youth FA as they represent the vast majority of young players in Scotland. Both organisations have not, thus far been given the opportunity to verbally express their view to the Committee.

We also feel that the Committee should invite PFA Scotland to give evidence. As body charged with protecting the rights and welfare of players in Scotland, we believe their contribution would be invaluable.

Yours faithfully,

William Smith and Scott Robertson
On behalf of the Realgrassroots Team

cc. Tam Baillie, SCCYP
Public Petitions Committee
PFA Scotland
MSP Jim Dornan