

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Letter from the Scottish Premier League

Thank you for your letter of 14 September [Annexe B] seeking response to specific questions. For ease of reference I will follow the numeration used in your letter.

1. I am unable to confirm that the statement is correct. Under the auspices of the JAG I have been appointed to chair a Review Group to consider this type of issue. I attach the approved Terms of Reference of that group for your information. As you will see the Review Group is tasked with reviewing existing rules regarding clubs' responsibilities and appropriate ways of sanctioning unacceptable conduct. I believe it would be inappropriate to prejudge the outcome of work to be undertaken by the Review Group. You will also see that the vice chairmanship of the group lies with the SFA.

2. Any response to this question is rendered otiose by reason of my explanation above.

3. Any response to this question is rendered otiose by reason of my explanation above.

4. The SFA is the body to which any appeal must go currently.

5. This matter is at the very heart of the work to be done by the Review Group. It would be inappropriate for me to prejudge the outcome of that work.

6. Any such complaint will be considered by the SPL in the light of its existing Rules and the Guidance for Clubs issued in 2007. A copy of that Guidance is attached for your reference [Annexe A].

7. The SPL will await the outcome of the work of the Review Group before considering whether any change is required to current procedures.

8. The premise of this question appears ill-founded. However, typically any sub-committee of the SPL Board which is convened to consider disciplinary matters is constituted by a majority of independent members (e.g. the Chief Executive, Company Secretary and the Chairman of the SPL). Over the past Season a number of SPL clubs have been found guilty of misconduct by this process and have been fined heavily. I trust that this demonstrates clearly that in dealing with disciplinary issues, the SPL is able to (and does) act without prejudice or favour.

9. An extract from the Match Delegate Report is provided to the SFA. This deals with the UEFA Fair Play system and includes consideration of positive supporter behaviour. I would have no objection to sharing the entire report with the SFA although much of the content would not be relevant to or indeed of interest to the SFA.

10. These reports are examined by SPL staff and matters of importance are drawn to the attention of the Company Secretary and, if necessary, the SPL Board for follow-up which might include disciplinary action. Certain analysis is drawn from the reports (e.g. condition of playing surfaces) and reported to the SPL Board as a matter of routine on a periodic basis.

11. Such matters have been dealt with as a result of the reports. Outcomes have ranged from a decision being taken that there is no case to answer through to disciplinary action being taken and substantial fines being levied on member clubs.

I trust that this response is helpful to the Committee.

Neil Doncaster
Chief Executive
20 September 2011

Guidance for Clubs on Unacceptable Conduct

Unacceptable Conduct at a Stadium on the occasion of an Official Match

SPL Rules H7.5, H7.6 and H7.7 describe the responsibilities of Clubs on this matter. They are included here for ease of reference.

H7.5 The Home Club in any Official Match must ensure, so far as is reasonably practicable, (i) good order and security; (ii) that policies and procedures have been adopted and are implemented to prevent incidents of Unacceptable Conduct; and (iii) that any incidents of Unacceptable Conduct are effectively dealt with, all at its Stadium on the occasion of an Official Match

H7.6 Each Club must ensure, so far as is reasonably practicable, that its Players, officials, supporters and any person exercising a function for or connected with the Club do not engage in Unacceptable Conduct at a Stadium on the occasion of an Official Match.

H7.7 Any failure by a Club to discharge a requirement to which it is subject by virtue of Rules H7.5 and/or H7.6 shall constitute a breach of these Rules.

In considering any alleged failure to discharge the requirements of SPL Rules H7.5 or H7.6, resulting in a breach in terms of SPL Rule H7.7, the Board or, as the case may be, a Commission shall, take into account whether the Club has complied with this Guidance.

In determining whether all reasonably practicable steps have been taken by a Home Club it is recognised that stadium operations in the run up to and during an Official Match are subject to the control of the local police match commander and other decisions taken by the public authorities. Whether to intervene in the case of an incident of Unacceptable Conduct during the course of an Official Match will be subject to determination by the police, and not necessarily by the Home Club.

Guidance

The Club should

- issue a statement that it will not tolerate any form of Unacceptable Conduct. This statement should include details of the action that the Club will take against those who engage in such conduct and explain the types of behaviour which will constitute Unacceptable Behaviour.
- publish its statement in full in all matchday programmes and similar Club publications.
- display copies of its statement permanently and prominently throughout and at entrances to the stadium.

- replace any defaced copies as soon as reasonably possible and, in any event, before the next Official Match in the stadium.
- make announcements over its public address system condemning all forms of Unacceptable Conduct at matches.
- make it a condition of their season and matchday tickets that the holders do not engage in any form of Unacceptable Conduct.
- for Official Matches which have been designated as “All Tickets” and / or where the Home Club has issued tickets to the Visiting Club to sell to its own supporters:
 - the Home Club should take names and addresses and obtain consent to the disclosure of same to the Visiting Club of all those to whom tickets for the visiting support area are sold by the Home Club;
 - the Visiting Club should take names and addresses and obtain consent to the disclosure of same to the Home Club of all those to whom tickets for the visiting support area are sold by the Visiting Club;
 - the Home Club and Visiting Club should exchange details of those to whom they have sold tickets to the visiting support area if requested to do so.
- take disciplinary action against any official or employee who engages in Unacceptable Conduct.
- contact other SPL Clubs to ensure that they understand its policy regarding Unacceptable Conduct.
- encourage a common strategy between stewards and police for dealing with incidents of Unacceptable Conduct.
- as soon as reasonably possible and, in any event, before the next Official Match remove from its stadium any and all graffiti, propaganda or the like which encourages or promotes Unacceptable Conduct.
- develop pro-active programmes and make progress towards raising awareness of its campaign to eliminate Unacceptable Conduct in conjunction with, amongst others, supporters, schools, voluntary organisations, local authorities, local businesses, sponsors, police and players’ representatives.

It is for each Club to apply the above guidance to its particular circumstances. It is also for each Club to compile its own record of compliance with the guidance.

Iain Blair, Secretary
18 June 2007

Letter from the Convener to the Scottish Premier League

I reiterate the Committee's thanks to you for appearing before us at very short notice in June. I quite understand why it was not possible for the SPL to send a representative to yesterday's meeting and I offer my personal apologies that, owing to the tight scheduling of this bill, we were not able to provide you with more notice.

At yesterday's meeting, the Committee had an interesting and helpful evidence-taking session with a panel of witnesses that included the SFA. The discussion touched on issues relating to the governance of Scottish football, and the Committee agreed that I should write to you with some questions for the SPL that arose from that discussion.

I would be very grateful for your responses on the following:

Restoration of disciplinary functions to the SFA: SFA witnesses explained that they were currently engaged in a process that they anticipated would see the return of disciplinary functions against SPL clubs to the SFA:

1. I would be grateful if you could confirm that this is broadly correct from the SPL's viewpoint and what you see as the advantages of reverting to this approach.
2. It would be helpful if you could confirm in particular (a) what assurances or actions you would require in order to agree to the return of those functions, and (b) the anticipated timescale for the return of those functions.
3. What if any relationship does the SPL envisage having with the SFA in any decision making process if and when the SFA resumes having disciplinary functions?
4. Do you anticipate that it would be the SFA rather than the SPL that would have the final say in any appeal process?

Current use of SPL disciplinary powers: The Committee recognises that it would be preferable if disorderly behaviour at football matches could, as much as possible, be dealt with by football clubs and football governing bodies themselves, rather than having to have recourse to the criminal law. With that in mind, we would appreciate your answers to the following:

5. Given the concerns and actions by UEFA and others, what actions could the SPL take or consider taking against a premier league club if offensive behaviour has taken place in or around the club's ground or if its travelling supporters engage in this behaviour?
6. What process is used at present to make a determination of any such complaint?
7. Are the SPL (whether or not in partnership with the Scottish Football Association) looking to change any procedure regarding such complaints?
8. Given the SPL is made up of member clubs, what can it do, and what does it do, to demonstrate that it is acting without prejudice or favour?

Match delegates' reports: The SFA explained yesterday that at present these reports go only to the SPL, and that it is for the SPL to deal with them as they deem fit:

9. I would be grateful if you could confirm that it is correct that all match delegates' reports are sent to you and are not shared with or passed on to the SFA.
10. I would also be grateful if you could explain what process is then followed within the SPL to deal with those reports.
11. Have you dealt with any discipline or misconduct matters as a result of any report and, if so, what were the outcomes?

It would be helpful to have a response by no later than next Thursday (22nd) if at all possible, so that we are able to consider your response before discussing our draft report to Parliament.

Christine Grahame MSP
Convener
14 September 2011