

Hearts may seek legal advice if SPFL confirm relegation

Hearts owner Ann Budge has expressed her 'bitter disappointment' at the news that reconstruction talks at the Scottish Professional Football League (SPFL) have broken down. It is almost certain that, as a result, Hearts will be relegated to the Championship despite there still being eight games to play in the 2019/20 season.

In a lengthy statement on the club's official website, Mrs Budge intimated Hearts will be taking further advice on what options are available. In an interview on BBC Scotland's Sportsound programme on Saturday former chairman Leslie Deans suggested Hearts should mount a legal challenge to the SPFL if and when they decree Hearts will be demoted.

Ann Budge's statement, available on the [Hearts website](#) is as follows:

"As you can imagine, I am bitterly disappointed, although sadly not surprised, that there is insufficient support from Premiership clubs to expand the top league of Scottish Football to avoid unfairly penalising any club as a

consequence of the Covid-19 pandemic. This is the only option available to avoid the unfair treatment of a number of fellow members of the SPFL, but it was yesterday dismissed.

Why was expansion of the top league dismissed?

There were a number of reasons offered as to why this could not receive support, including a view stated by a number of club representatives that this was, effectively, a distraction, and all of our efforts needed to be focused on the bigger issue of how we get football back playing as quickly as possible.

Firstly, this is incredibly sanctimonious, suggesting as it does that those of us involved in looking at this issue are failing to recognise what “the real issues” are. Or perhaps it suggests that we are all incapable of considering more than one challenge at a time. Speaking for myself, I am pretty good at multi-tasking.

Secondly, to say we will look at this question at some point in the future, when we have dealt with the current crisis, is totally missing the point. The briefing notes accompanying the recent SPFL Resolution stated “We have received several suggestions promoting League restructuring, perhaps **around an enlarged 2020/21 Premiership**. Such restructuring might offer **the opportunity for**

relegation for Season 2019/20 to be avoided for all Clubs.” It went on further to state that “...in the event that the resolution proposed to Clubs is approved, your Board is committed to using the months of April and May 2020 to consult over a possible League restructuring **in time for Season 2020/21 around an expanded Premiership model.”** The clue is surely in the dates!

The suggestion was also made at yesterday's meeting that the only reason that this is even being discussed is because it is one of the larger clubs, namely Hearts, that will be affected. Not only is that statement hugely disrespectful to those other clubs in the same position, it flies in the face of the view expressed by so many that no club, however large or small, should be disproportionately disadvantaged because of this crisis situation.

I have stated from the outset, and very few clubs disagree, that it is fundamentally wrong that any club should be unfairly penalised by exceptional decisions that have had to be taken to deal with the current crisis. I would stand by that view, regardless of Hearts own position. I have principles, which govern my behaviour and I could easily take offence at the implication that I am only taking an interest because it is Hearts. This may be how others behave. It is not, however, how I behave!

If something is wrong, it is wrong, and we

should all be doing our utmost to correct that wrong. To pour more financial hardship on specific clubs, given what we are all going through both now and for the foreseeable future, is both outrageous and shameful. We should be standing together to help clubs to survive and to save jobs. This decision simply flies in the face of all of this.

Fundamentally, the main reason clubs are not prepared to consider a restructure is because of the Sky contract. It is well known that Sky would have to agree to a restructure. Without any discussion with Sky, there is a totally incomprehensible assumption that we would be unable to navigate successfully through any such negotiation. What does that say about the strength or otherwise of our “partnership”? Perhaps more tellingly, what does it say about the confidence our clubs have in the ability of the SPFL to negotiate? The message is clear. This could be difficult so let’s not bother trying. It’s too risky!



Hearts’ Steven Naismith.

Credit: Ian Jacobs

What of the Task Force?

The Task Force was set up as a sub-committee of the Board following the afore-mentioned SPFL resolution, to look at whether a possible restructuring around an expanded top league could avoid relegation.

Over recent weeks, the Task Force has been working diligently and cooperatively to try to reach agreement on how the other Divisions might be structured assuming an enlarged top tier. Much has been said, for example, about the opportunity this might present to remove the current "play everyone 4 times" problem that drives so many supporters away from attending games. When we do return to play we will all need our fans more than ever and this was a genuine opportunity to show that we do listen to them and we do genuinely want to improve the fan experience, thereby encouraging them to come back to our stadiums. The Task Force was also very aware that SPFL players had voiced their support for reconstruction through a PFA survey, hoping this could be implemented for the start of next season. This was a real chance to make a difference for the better, for so many stakeholders. Alas, another opportunity missed!

While discussions were by no means concluded, there was a genuine optimism that agreement could be reached. This was fed back to the Premiership clubs at yesterday's meeting. No matter what the Task Force was able to agree, however, it was always going to fail if the Premiership Division would not agree to enlarge the top tier.

Yesterday, it was made very clear that a number of clubs were not prepared to do so and nor were they prepared or interested in

discussing the
matter further.

While I have no more wish than the next
person to waste my time, the total disregard for the members
of the Board
sub-committee and the efforts they had put in was quite
staggering. I
intimated at the start of the meeting that I had prepared a
paper, which I
planned to send to them following the meeting, which outlined
my arguments in
writing as to why the Premier Clubs should agree to expand the
League.

They were determined, however, to take "a vote" as they didn't
want this topic
to carry forward to the next meeting. This is so appallingly
disrespectful to everyone on the Task Force.

In summary:

It goes without saying that all clubs are
absolutely entitled to determine their own position as they
see fit, taking
into account the interests of their individual club and what
they perceive to
be in the best interests of Scottish Football. I have no
issue
whatsoever, with Clubs taking the stand that they believe is
right.

I, too, of course, have the same right of
opinion and I firmly believe the wrong decision has been taken
and for many of
the wrong reasons.

There is absolutely no question in my
opinion that self-interest played a part in the discussions

yesterday, as did previous history. The current decision-makers and influencers comprise a mix of “new faces” and “old faces” in the Premiership meetings. While this brings lots of positives, it means there is a wide range of experience and understanding in terms of the issues, the people and indeed the politics involved in Scottish Football. We all too often hear people talking about why things won't work because “We've been here before and agreement is impossible”. If we are ever going to make any meaningful changes to improve Scottish Football, we have to find a way of forgetting what has gone in the past. We must also stop hiding behind what the current rules say and be prepared to take a pragmatic, fleet-of-foot approach to dealing with change.

Fear has also played a part here. We are all confronting a huge number of issues and lack of clarity over the future. Clubs are worried. They do not want to do anything that might in any way impact a major income stream. The value of the Sky contract is being held out as being under major threat if any changes to the league are made. Personally, I do not accept that this is the huge problem it is being assumed to be.

The Task Force had discussed solutions that would have seen no club disproportionately disadvantaged due

to the global pandemic, whilst giving all clubs the best chance of survival and improving Scottish Football for players and for supporters, at a time when we are going to need them more than ever. Sadly, any progress made, has now been lost.

I had hoped that we could have agreed a sensible, pragmatic approach that would have seen a positive outcome for Scottish Football as a whole. Our objective should have been to stand together to protect each other. This would have demonstrated genuine leadership for the first time in many weeks. We are long-overdue a demonstration that those of us in senior positions in Scottish Football are prepared to stand up and be counted and are prepared to put our heads above the parapet and fight for what is right. Wouldn't it be good to have some positive news coming out of Scottish Football?

Finally, may I take the opportunity to thank you all for your unwavering commitment to the club and for the messages of support since yesterday's announcement. Please also be reassured that while the Premiership has not yet been called, should it be so, with Hearts expelled as a result, we will be taking further advice on what options are open to us and to other clubs in the same position, to formally challenge this outcome."