



**Scotland's Commissioner
for Children & Young People**

Improving youth football in Scotland

**'I would like to have control over my life and do what I
want to do'**

Submission to the Scottish Parliament Public Petitions
Committee on Petition PE1319

May 2015

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Abbreviations and Glossary

CRIA	Child Rights Impact Assessment
CRC	Committee on the Rights of the Child
ECHR	European Convention on Human Rights
FIFA	Federation International de Football Association
GIRFEC	Getting it Right for Every Child
PFA	Scotland Professional Footballers Association Scotland
SFA	Scottish Football Association
SPFL	Scottish Professional Football League
SSFA	Scottish Schools Football Association
SYFA	Scottish Youth Football Association
UNCRC	United Nations Convention on the Rights of the Child

Glossary

Affiliated National Association

Each of the Scottish Amateur Football Associations, the Scottish Schools' FA, the Scottish Youth FA, Scottish Women's Football, the Scottish Junior FA and the Scottish Welfare FA.

Association football

Any football played under the jurisdiction of FIFA and in accordance with the laws of the game.

Child or young person

Under the UN Convention on the Rights of the Child (UNCRC) this means every child or young person below the age of 18 years unless majority is attained earlier.

Club Academy Scotland

A performance based youth football development programme organised and managed by the Scottish FA for clubs in membership of the Scottish Professional Football League.

Grassroots or community football

Football that is non-professional and non-elite, often used to describe recreational or amateur football.

Legal capacity

The ability to make legally binding contracts and other juridical acts.

Performance school

There are seven regional performance schools in Scotland. Their aim is to develop excellent young football players whilst also improving their academic and social skills.

Professional football club

A club in full membership of the Scottish FA, clubs in membership of Affiliated Associations and Junior Clubs.

Scottish FA (Scottish Football Association)

This is the principal national governing body in Scotland that promotes, fosters and develops the game at all levels (professional, amateur and recreational) in the country.

Scottish Professional Football League

Established in June 2013, it runs professional league football in Scotland, governing 42 league clubs.

Youth football

How the game of football for children and young people in Scotland is generally known.

Youth player

A player who is registered as a youth on the Scottish FA registration form.

State party

A country that has ratified or acceded to a particular treaty and is legally bound by the provisions in it.

Commissioner's overview

Football is a national sport in Scotland and we understand its importance in the daily lives and ambitions of many children and young people, and their families, across Scotland. This report focuses on a child and young person's participation in youth football, their experience of the 'youth registration process' and the impact it has on their lives and on their family life.

The children and young people who participated in the research project all love football, described their experiences enthusiastically and explained what football registration means to them. Yet, children and young people have no sense of the rights contained in the UN Convention on the Rights of the Child (UNCRC) and how they apply to their lives in football, including the youth football registration process in Scotland.

Developing children and young people's football talent is an accepted norm and the extent of involvement by Government and Governing Bodies in that process in Scotland is significant. This includes financial investment via SportScotland and providing facilities via local authorities, such as school pitches. Despite the fact that children and young people are involved in commercial arrangements, there appears to be a gap in regulatory activity by Government and Governing Bodies in terms of ensuring that the best interests of the child and a young person are respected, protected and promoted in the youth football registration process.

Currently, too many children are signing what they genuinely believe is a 'contract' from as young as 10 years yet children's choice and control do not appear to be features of the current system. Children and young people's understanding of their contractual obligations is narrow but precise – they cannot move to another professional club without their existing club's permission.

When children and young people are talking about a contract with a club, the terms are not fully understood, and children and young people have no certainty of their rights. Therefore it is reasonable to conclude that the terms of the contract are not necessarily mutually agreed as they are not adequately understood.

Only when a problem arises in the relationship between a club and the player or his/her family or carer will the extent of the contractual limitations on

choices and decision making in respect of the player's football career become apparent to the family and the child or young person.

The system lacks transparency in how it operates. Public information is not available on how often a club voluntarily agrees to forgo compensation or receive more than the agreed amount to allow a child or young person to move to another club. Anecdotal comments from children and young people and others suggest this happens. There needs to be clarity of process so that clubs, children, young people and their families are aware of and understand their rights and responsibilities.

The current system recognises the investment of private companies in developing young players. However the system does not recognise the investment of players and their families, emotionally, practically and financially, in developing young players' football skills. This imbalance is not recognised in terms of mutual rights and obligations.

There is a problem with the system generally in terms of how it recognises the rights of children and young people to make choices which are respected. A child or young person is encouraged to be a passive recipient of the opportunity, not an empowered actor in the process.

I hope that this report helps to clarify how the registration system operates and impacts on the lives of children and young people. I have offered a number of recommendations for the consideration of the Scottish Parliament Petitions Committee and I look forward to further engagement on this issue.

As stated, football is a national sport and our children and young people are its lifeblood for future generations. It is in their best interests for their involvement to be treated with respect for their rights as we develop their talents to the maximum of their capacities.

Summary of key recommendations

Taking account of children's rights

1. The interpretation of the best interests principle of children and young people within youth football must be consistent with its interpretation within the UNCRC and other rights and wellbeing frameworks in Scotland, such as GIRFEC and the Children and Young People (Scotland) Act 2014.
2. Professional football clubs need to take greater account of children's rights within youth football; this should form part of a general improvement programme on human rights within football.
3. Professional youth football in Scotland needs to undergo a significant attitudinal change. The clubs and to some extent the Scottish FA refer to youth players purely in terms of investment and fail to acknowledge the young person in their own right.
4. Any future changes to the youth registration process should be informed by the views of children and young people who play youth football.
5. Respect for a child or young person's rights must form part of a professional club's process when undertaking due diligence on contracts of employment with young players.

Changes to the youth registration process

6. The Government and Governing Bodies should decide to what extent children involved in the youth football registration process should be contracted to a professional football club. Whilst children and young people want to play for a professional club, they and their families and carers currently lack power in negotiating contractual arrangements.
7. Rules are required on the formation, performance, enforcement and impact of such contracts. Rights and remedies must be accessible, relevant, independent and effective for children and young people.
8. The cancellation of registration for youth players on a 'Scottish FA Registration Type – Youth' should be aligned with that of the Scottish Youth Football Association (SYFA), whereby a young person is required to give 28 days' notice that he or she wish to leave a club. This should be applied to all age groups.

9. The registration procedures should be removed that enable a club to bring forward a player's registration for age groups 15 and 16/17. This would bring these age groups in line with procedures for age groups 10 through to 14 whereby the registration of a youth player lapses automatically at the end of the season in which the youth player signed the registration form.
10. Provision 2.1 of Annex 10 in the registration procedures with regard to school football should be amended to read 'A Youth Player registered for a Club in full membership of the Scottish FA or in membership of an Affiliated Association may also play for his school team' removing the condition that makes this 'subject to the policy and discretion of the Club for which he has signed' (SFA, 2014, p.245).

Changes to the process of reimbursing training costs.

11. In situations where the 'no rights of compensation' rule is applied this should be done in good time. Any delay in this process will have an adverse effect on a child or young person's football career. Steps must be taken to avoid situations where a child or young person is prevented from playing football for an entire season, whilst professional clubs negotiate trade deals.

Independent regulation and monitoring of registration process

12. The youth registration process is an agreement between two parties that places obligations on both. To ensure it takes account of the interests and rights of children and young people as much as the interests of professional football clubs it needs to be regulated and monitored in a manner that is independent of the clubs.

Individual complaint mechanism

13. Regardless of whether or not an independent regulatory body is established a clear process needs to be put in place immediately to ensure that children and young people can lodge a complaint where they feel their rights have been infringed by a club

Part 1: Child rights impact assessment

1 Introduction

In June 2014 the Scottish Parliament Public Petitions Committee invited Scotland's Commissioner for Children and Young People (the Commissioner) to review the current registration process for youth football in Scotland from a rights perspective and to include the views of children and young people. In response to this request the Commissioner proposed to undertake this review by conducting a child rights impact assessment (CRIA).

A child rights impact assessment is a process that enables a policy, legislation or practice to be reviewed and its impact on children and young people and their human rights to be assessed. It allows the impact to be predicted, monitored and, if necessary, avoided or mitigated. Children and young people possess human rights just as any adults do; however their vulnerability and exclusion from decision-making processes mean that measures such as child rights impact assessments are an important way to help guarantee them the ability to exercise those rights.

Whilst a range of issues have been raised by the petition on youth football the focus of this child rights impact assessment is on the registration process of youth football, and the implications it has in terms of children and young people's rights. The assessment draws on evidence and information that is already in the public domain. It has been informed by the views of children and young people expressed in part 2 of this report. This assessment summarises much of the discussion that has been undertaken to date before the Public Petitions Committee; however in doing so it prompts the Committee members and football bodies to fully understand the implications for a child or young person, in terms of his or her human rights, when joining a professional football club.

1.1 Public Petition PE1319

The public petitions system mirrors the founding principles of transparency, accessibility and/or power sharing of the Scottish Parliament. The public petitions system is an important means for the public to have a direct connection with the Scottish Parliament and raise issues that are of national concern. A petition may be brought by an individual, a body corporate or an unincorporated association of members. The Public Petitions Committee

decides whether a public petition is admissible, and what action is to be taken upon the petition.

On 11 March 2010 Petition PE1319 'Improving youth football in Scotland' was lodged with the Scottish Parliament by William Smith and Scott Robertson representing 'Realgrassroots', a campaign to question the way in which Scotland develops young football players. This campaign group was established in 2003 following the takeover by the Scottish FA of the Youth Development Initiative, after which the campaigners grew increasingly concerned about a number of issues related to youth football. The campaigners hoped to use a public petition as a vehicle to engage a variety of bodies, organisations and individuals on a wide range of issues concerning youth football in Scotland. The petition called on the Scottish Parliament to urge the Scottish Government to investigate the:

- 1) Legal status and appropriateness of professional SFA clubs entering into contracts with children under 16 years;
- 2) Audit process and accountability of all public funds distributed by the Scottish Football Association to its member clubs;
- 3) Social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra-curricular activity;
- 4) Appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years;
- 5) Increase the educational target from two hours curricular physical activity to four hours per week; and
- 6) Develop a long-term plan to provide quality artificial surfaces for training and playing football at all ages across all regions.

The Committee has received and examined a considerable amount of evidence on the issues raised by the petitioners from a range of stakeholders. This culminated in a round table discussion in May 2014. Whilst the original petition raised a wide range of issues connected to youth football, attention is now focussed on the issue of compensation payments, contracts and registration of young players.

2 Mapping out the issue

Before any assessment can be carried out, a thorough understanding of the issue is essential. It is therefore helpful to set out the background and context of youth football in Scotland and the registration process. Please note that football for children and young people in Scotland is generally known as 'youth football'.

2.1 Structure of Scottish football

The Scottish FA is the principal national governing body in Scotland and exists to promote, foster and develop the game at all levels in the country. Members of the Scottish FA include clubs in Scotland, affiliated national associations as well as local associations. Two of the affiliated national associations of significant interest to this child rights impact assessment are the Scottish Schools Football Association (SSFA) and the Scottish Youth Football Association (SYFA). The SSFA is the governing body for schools' football in Scotland, whilst the SYFA is the national governing body of youth football in Scotland with responsibility for everyday, recreational and grassroots football for age groups up to and including 21's. Professional League football in Scotland is run by the Scottish Professional Football League (SPFL). It was formed in June 2013 when the Scottish Football League and the Scottish Premier League merged. It governs 42 league clubs in Scotland.

2.2 Structure of youth football

Children and young people in Scotland can be involved in the game of football in a variety of settings, playing for their school team, a community club or for a professional football club. As the national governing body the Scottish FA seeks to support the development of children and young people playing football via three initiatives: the One National Plan, Performance Schools and Club Academy Scotland.

2.2.1 One National Plan, 2013 – 2015

This plan has been developed by the Scottish FA and partner organisations (including the SSFA, SYFA and Scottish Women's Football) to work towards an agreed vision for non-professional football in Scotland. As part of this plan, particular attention is to be paid to attracting young people into football as well as minimising drop-out. Through better connected schools and clubs the plan intends to direct more young players into the non-professional game.

Schools and clubs will be encouraged and supported to work more closely on providing suitable pathways into existing clubs, leagues, and affiliated associations for lifelong involvement in the game.

2.2.2 Scottish FA Performance Schools

In partnership with the Scottish FA there are seven performance schools in Scotland. Their aim is to develop excellent football players whilst also improving their academic and social skills. The performance schools programme is designed as an elite player development programme to give talented boys and girls within secondary 1-4, with the best potential to develop their abilities, the opportunity to practice football everyday within a school environment.

2.2.3 Club Academy Scotland

Club Academy Scotland supersedes the Scottish Football Youth Initiative. The Youth Initiative was a programme developed by the Scottish FA with the aim of producing players capable of improving the standard of Scottish football, thereby raising the national team's performance and chances of participation in international tournaments.

Club Academy Scotland continues to be a performance based youth football development programme. It is organised and managed by the Scottish FA for clubs in membership of the SPFL. There are approximately thirty four clubs in the Club Academy Scotland programme. Clubs are organised into a six star rating system and assessed and graded against this. The aim of Club Academy Scotland is to promote, foster and develop the game of Association Football for elite and talented young players at age levels 11s, 12s, 13s, 14s, 15s, and dual age band 16s/17s. Club Academy Scotland has a set of regulations for each season which effectively outline the rules of the development programme.

2.3 Football registration

The process of players registering to play football in Scotland is governed by the Scottish FA. Provision 1.2 of the Scottish FA Handbook states that, 'No player shall be entitled to play Association Football in Scotland under the auspices of the Scottish FA unless they are registered with the Scottish FA in accordance with the Registration Procedures' (Scottish Football Association, 2014, p.202). In accordance with article 34 of the Scottish FA Articles of

Association, clubs in full membership of the Scottish FA or in membership of an Affiliated Association or an Affiliated National Association are expected to comply with the requirements of the Scottish FA Registration Procedures. (Scottish Football Association, 2014, p.96). This effectively means that all children and young people who play football with their school team, community club or for a professional club are required to register with the Scottish FA.

As well as the purpose stated above football registration exists for a number of other reasons, primarily for the purpose of insurance. This was explained by Neil Doncaster of the Scottish FA where he states that the registration system, '...is a record of exactly where young players are and who they are training with, but primarily, it provides the basis for insurance for the players. We have a system of insurance for the league and all its member clubs, which of course covers the players in those clubs. There are good legal reasons why there should be a system of registration' (Public Petitions Committee, 2014, col.2259). As this statement shows, registration provides a record of where and with whom a young person is playing football.

2.3.1 Registration of recreational players

A child or young person will be registered as either a recreational player or a youth player in accordance with the Scottish FA Registration Procedures. A recreational player means a player who has signed a form used to register a player for a club in membership of an Affiliated National Association [SSFA and SYFA] other than the Scottish Junior Football Association. Recreational players will be registered via the SSFA online system or the SYFA online registration system. All secondary football players who represent their school in local games, must be registered. All children and young people who play for a club that is a member of the SYFA must be registered. The SYFA have a set of 'Supplementary and Playing Rules' that outline the provisions on the registration of players and the cancellation of player registration.

2.3.2 Registration of youth players

As stated in Provision 11.1 of the Scottish FA Registration Procedures, a player who is aged 10 or above may be registered as a youth player upon a Scottish FA 'Non-Recreational Player Registration Youth Form' by a professional club (Scottish Football Association, 2014, p.209). It is the registration of children and young people to play with professional clubs that has been raised as an issue of concern by Public Petition PE1319. All children and young people who

compete within the Club Academy Scotland Programme will be registered as a 'youth player'. The registration of a youth player for age groups 10 through to 14 will lapse automatically at the end of each season and the player is free to sign for another club thereafter. The registration of a youth player for the age group 15 allows a club to bring the player's registration forward to age group 16 for the following season on the existing registration form; similarly the registration for age group 16 allows a club to bring the player's registration forward for the following and final season on the existing registration form. To be valid the registration form of a youth player who has not yet attained 16 years of age must be signed by their parent(s)/guardian(s)/carer(s).

2.4 Groups of children and young people affected by issue

All children and young people who wish to play football as part of a club may potentially be affected by the issue of registration. In terms of numbers approximately 2,500 children and young people are registered as youth players with professional clubs; approximately 59,000 play football recreationally for clubs in membership of the SYFA and approx 200,000 are involved in school football.¹ Children and young people can be registered to play with a professional club whilst they are playing with their school team, community club or for another professional club. In addition there will be a number of young people above school leaving age who will be employed to play with a professional football club. In terms of age, children aged 5 and above may be registered with a SYFA member club, those aged 11 and above registered with a school team and those aged 10 and above registered with a professional football club. The majority of these children and young people will be boys. It must also be borne in mind the extent to which the siblings of children and young people registered to play football are also affected by the process. Children and young people from all over Scotland play football competitively so there is no specific geographical divide.

¹ The figures of 2,454 and 58,026 were provided by the Scottish FA to the Commissioner's

3 Evidence and information

Pulling together evidence and information relevant to the issue being assessed is an essential stage of the child rights impact assessment process. It is also an opportunity to identify gaps and what further evidence or information would help inform any further work on an issue.

The Scottish Parliament Public Petitions Committee has received a wide range of oral and written evidence to help inform its consideration of the petition. The Committee has held three oral evidence sessions since April 2010 and one roundtable discussion in May 2014 to discuss the issues raised in the petition. The oral evidence sessions have heard from the petitioners, Henry McLeish (in his capacity as author of the Review of Scottish Football), the Scottish FA, the Minister for Public Health, Scotland's Commissioner for Children and Young People, as well as representatives of the Scottish FA, the Scottish Premier Football League and Scottish Professional Football Clubs.

The focus of discussion at these sessions has been on: the registration of youth footballers with professional football clubs and whether such a process could be considered to be a contract; whether or not the three year rolling registration process for youth footballers aged 15-18 is acceptable; the impact of the training compensation scheme on youth footballers in terms of the restrictions it places on them; and the restrictions placed on young people playing school football. In more recent evidence to the Committee the petitioners have also raised the issue of unfair terms and conditions for young people of school leaving age and above who sign contracts of employment (sometimes referred to as playing contracts) with professional football clubs.

The Committee has received written evidence from all the participants involved in the oral evidence sessions as well as from a number of other private and public bodies and third sector organisations. These have included, amongst others, the SSFA, SYFA, local authorities, the STUC and the Scottish Child Law Centre.

The registration process for children and young people playing professional football in Scotland is outlined in a number of documents: the Registration Procedures of the Scottish FA, the Club Academy Scotland Regulations and the SPFL Code of Conduct for Under 19 Players. Analysis of all of these documents has shaped the findings of this child rights impact assessment. To provide further context to the registration process for youth football the following

documentation has also been referred to: the Age of Legal Capacity (Scotland) Act 1991, the Bosman Ruling and the Bernard Ruling, the Review of Scottish Football, SYFA Registration Procedures, all of which have been referred to in some capacity in either the oral or written evidence to the Committee.

4 Consultation

As stated under Article 12 of the UNCRC it is important to enable children and young people to express their views in all matters affecting them. This right is about a child or young person being involved in and able to influence a decision-making process that impacts their life. It is therefore important to be aware of the extent to which children and young people have been able to contribute and shape the registration process that they must adhere to. No information is available as to whether or not children and young people have been directly consulted with in the development of the registration procedures and accompanying regulations for youth football.

(Part 2 of the report provides information and analysis on the views of children and young people involved in the registration process).

5 Analysis and findings

Once an issue has been mapped out and the available information and evidence gathered, it can be assessed for its impact, both positive and negative, on children and young people and their rights. The analysis of the issue should be undertaken in the first instance and at the very least within the framework of the UNCRC, an international treaty with the purpose of protecting and promoting the human rights of children. This treaty was ratified by the UK Government on 16 December 1991 and places binding obligations on the UK and devolved governments and public authorities to implement its provisions and ensure the realisation of all UNCRC rights for all children in their jurisdiction.

5.1 UNCRC rights

The following rights within the UNCRC have informed and shaped the findings of this impact assessment. To aid interpretation of each provision reference has been made to General Comments of the Committee on the Rights of the Child. The Committee is a body of 18 independent experts that monitors the implementation of the UNCRC within each State Party. General Comments are the Committee's interpretation of the provisions of the UNCRC and help aid our understanding and application of the rights it enshrines.

5.1.1 Definition of the child (article 1)

'For the purposes of the present Convention, a child means every human being below the age of eighteen years'.

This definition is applicable to the youth registration process where all those below the age of eighteen who wish to play competitive football are required to register with the Scottish FA. Please note that for the purpose of this impact assessment the phrase, children and young people, is used.

5.1.2 The best interests of the child (article 3, paragraph 1)

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.

This article expresses one of the four general principles that can be used to interpret and implement all the rights of the child. The Committee on the

Rights of the Child emphasises that the child's best interests is a threefold concept:

1. A substantive right: the right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered.
2. A fundamental, interpretative legal principle: if a legal provision is open to more than one interpretation, the interpretation that most effectively serves the child's best interests should be chosen.
3. A rule of procedure: whenever a decision is to be made that will affect a specific child, or identified group of children, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Furthermore the justification for the decision must demonstrate that the child's best interests have been explicitly taken into account.

The Committee emphasises that the terms 'public or private social welfare institutions' 'should not be narrowly construed or limited to social institutions *stricto sensu*, but should be understood to mean all institutions whose work and decisions impact on children and the realization of their rights' (Committee on the Rights of the Child, 2013, GC/14, p.8). Under the terms of this assessment therefore we can consider the application of the best interests of the child provision within sporting bodies, football associations (Scottish FA, SYFA, SSFA) and professional football clubs. Furthermore, States are obliged to integrate and apply this principle in all legislative, administrative and judicial proceedings [article 4] concerning business activities and operations that directly or indirectly impact on children.

States should be in a position to explain how the right to have the best interests of the child considered has been respected in decision-making, including how it has been weighed against other considerations. As such all decisions concerning children and young people should describe how the best interests have been examined and assessed, and what weight has been ascribed to them in the decision. In terms of youth football registration we would therefore expect to see this approach emulated in the registration procedures for youth players.

5.1.3 Implementation of rights in the Convention (article 4)

'States parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention'.

In its General Comment on 'General Measures of Implementation of the Convention' the Committee clearly indicates that 'while it is the State which takes on obligations under the Convention, its task of implementation – of making reality of the human rights of children – needs to engage all sectors of society, and of course, children themselves' (Committee on the Rights of the Child, 2013, GC/5, p.2). This obligation to ensure that all sectors of society respect children's rights, applies within the context of business activities and operations. States should therefore not invest public finances and other resources in business activities that violate children's rights. This is particularly pertinent to this assessment which involves the investment of public money by the Scottish FA to fund the development of youth football.

5.1.4 The right of the child to be heard (article 12)

'State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'.

Government bodies concerned with regulating and monitoring the activities and operations of business enterprises should ensure that these enterprises take into account the views of affected children. With regard to youth football registration this right is of particular importance for children and young people: choosing which team to play for; what to do when they no longer wish to play for a team; whether or not they also play for their school team; and the extent to which they are involved in shaping the process by which they are bound.

5.1.5 Aims of education (article 29, paragraph 1(a))

'States Parties agree that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential'.

5.1.6 Right to leisure, play and culture (article 31, paragraph 1)

'States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts'.

5.1.7 Right to be protected from economic exploitation (article 32, paragraph 1)

'States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development'.

And (article 32, paragraph 2)

'States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) provide for a minimum age or minimum ages for admission to employment; (b) provide for appropriate regulation of the hours and conditions of employment; and (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article'.

In more recent evidence of the Petitioners to the Committee and in a number of news articles there has been the emerging issue of the status of young people (of school leaving age and above) who sign contracts of employment with professional football clubs, particularly with regard to their conditions of employment.

5.1.8 Protection from other forms of exploitation (article 36)

'States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare'.

In drafting the Convention, article 36 was introduced to ensure that the 'social' exploitation of children was recognized, along with their sexual and economic exploitation. Forms of exploitation include the exploitation of gifted children and young people. It has been recognised that children and young people with talents in competitive sports (such as football) can have these talents developed by businesses at the expense of their overall physical and mental

development. Regulations relating to child labour often exclude 'voluntary' activities such as these and therefore may not be monitored by child welfare agencies.

The professional football clubs who have submitted evidence to the Petitions Committee emphasise that young people do not have contracts of employment and that they are therefore not subject to economic exploitation. This right however enables us to look at the extent to which children and young people are socially exploited by businesses where there are likely to be fewer safeguards for children and young people.

5.2 Business and children's rights

As a number of the issues with youth registration concern professional football clubs it is imperative that this impact assessment considers children's rights and the extent to which they are taken account of within the business sector. The business sector often exerts a powerful influence on decisions without reference to children's rights. It is generally challenging for children to obtain remedy when their rights are infringed upon, and even more so by business enterprises; children and young people often lack legal standing, knowledge of remedy mechanisms, financial resources and adequate legal representation.

Whilst there is no legally binding instrument on the business sector's responsibilities in relation to human rights, the Committee on the Rights of the Child 'recognizes that duties and responsibilities to respect the rights of children extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises' (Committee on the Rights of the Child, 2013, GC/16, p.2). In their General Comment the Committee calls for all businesses to meet their responsibilities regarding children's rights and that States ensure they do so. They also note that business enterprises should not undermine the States' ability to meet their obligations towards children under the UNCRC.

It should be noted that the UNCRC engages the State as a whole, regardless of its internal structures; therefore the devolution of power does not water down the responsibility of the State to meet its obligations to all children within its jurisdiction.

'The corporate responsibility to respect human rights, including children's rights, does not replace a State's duty to protect human rights and exists independently of a national government's abilities and willingness to fulfil its obligations' (Unicef, 2013, p.5).

Therefore, States should not invest public finances and other resources in business activities that violate children's rights. To meet their obligation to adopt measures to ensure that business enterprises respect children's rights, States should require businesses to undertake child-rights due diligence. It is imperative that the provisions of the UNCRC influence decisions in businesses.

5.3 What is the impact?

This child rights impact assessment seeks to present the positive and negative impact that the youth registration process has on the rights of children and young people who play or wish to play football for a team. In doing so it takes into account the extent to which the impact relates to, promotes, inhibits, or contravenes the rights of children and young people provided for within the UNCRC. Where a negative impact is presented it seeks to take into consideration the extent of that impact, weighing up considerations such as severity of impact and likelihood of occurring. When presenting the positive and negative impact of the youth registration process this assessment seeks to take into account the divergent views amongst stakeholders as to the potential and real impact on the rights of children and young people.

5.4 Positive impact

5.4.1 Benefits of registration

Youth registration in its most basic form enables a record of a child or young person's participation in professional football to be captured. It is likely to be of significant importance and pride to the young person. For those young people who are successful enough to register to play with a professional club it is an important means for them to evidence their progress in youth football to their club and other clubs who may be interested in them. In some respects it is not dissimilar to a record of attainment at school. The views of children and young people as captured in the research undertaken on behalf of the Commissioner's office as to their experiences of youth football registration would suggest that in the main each young person considers themselves to have a 'contract' with a professional club. This is clearly a source of great pride to these children and young people and also an important step towards them

playing professional football as a career, not only for their club but for their national team.

In terms of the role of the Scottish FA, youth registration could be an important mechanism for it as a national body to regulate and have oversight of youth football in a manner which promotes and safeguards the rights of children and young people. For example, it could enable the Scottish FA to analyse statistics of the number of children and young people who leave youth football and whether and to what extent there are correlations in terms of the age at which they leave, or the drop-out rate in some clubs compared to others. It is also an important mechanism for the Scottish FA to follow-up on requests from young players to have their registration with a club cancelled.

As stated by Neil Doncaster (Scottish FA) the registration system ‘...is a record of exactly where young players are and who they are training with, but primarily, it provides the basis for insurance for the players. We have a system of insurance for clubs. There are good legal reasons why there should be a system of registration’ (Public Petitions Committee, 2014, col.2259).

Youth registration is the mechanism by which a professional club can identify what is due to them in terms of reimbursement of training costs if a youth player wishes to move to another club. Whilst there is criticism of the programme of reimbursement of training costs in this impact assessment, the majority of the criticism is levelled at the way it is managed and the ages at which it is applied. If this reimbursement process were only to come into being when and if a youth player signed a contract of employment with a professional club once they were of school leaving age and above, the registration record of the youth player could then be used to distribute the appropriate level of training costs to the clubs the player had been registered with.

5.4.2 Process of registration

Whilst this impact assessment has found that many elements of the youth registration process do not act in the best interests of the child or young person, there are some elements that seek to address this. Current Registration Procedures would suggest that a youth player aged 10 or 11 can have his or her registration form cancelled at the request of his parents/guardian (Scottish Football Association, 2014, p.210). This provision

may exist to take account of the young age at which the child has entered into a 'binding' agreement with a professional club. What is not clear from the procedures is whether this provision is available to other ages. Recent evidence from the Scottish FA to the Petitions Committee would suggest that this was the case, however this requires further clarification. (Public Petitions Committee, 2014, col.2255).

The Scottish FA have also put in place a system whereby when a youth player is released from one professional club and not signed to another professional club, information on their status is passed to the SYFA with the intention that the SYFA can use that information to reunite the player with the club they originally came from or any other SYFA club. The Petitioner's have however raised questions as to the current workings of this new system, citing the fact that whilst the SYFA hold that information they are unsure as to whether or not they can release it to clubs as they are concerned they will be in breach of the Data Protection Act 1998.

5.4.3 Obligations of clubs

In some respects when registering with a professional club the SPFL 'Code of Conduct for Under 19 Players' requires the club to agree to put in place a number of provisions for the youth player. Furthermore the Club Scotland Academy Programme requires clubs who are part of this programme to meet minimum criteria in a number of different areas such as: academy and player development plans; support staff and services; sports science and coaching staff and qualifications. Compliance with Club Academy Scotland criteria is to be the subject of regular audit and assessment.

5.5 Negative impact

5.5.1 Process of registration

Children and young people aged 10-17 who wish to sign to play with a professional football club must complete a Scottish FA Player Registration Youth form. Where a player is under 16 years of age their parent/guardian must sign on their behalf and in doing so agree to the 'SPFL Code of Conduct for under 19 players' and the terms of the 'Scottish FA Declaration for Youth Players 10-17', both of which are referred to on the reverse of the form. It is not clear the extent to which either the children and young people or parents take full account of the terms they are agreeing to be bound by. Jim Sinclair, the director of youth development at Rangers Football Club, stated in a

meeting with the Committee 'From my experience with our parents, my concern is that they often do not have full knowledge of the ramifications of signing the document' (Public Petitions Committee, 2011, col.3235)

The 'SPFL Code of Conduct for Under 19 Players' to which a youth player adheres to by signing with a professional club states that a player agrees to: 'Adhere to the Club's code of conduct and rules' (SPFL, 2014, p.90-91). It is not apparent as to whether a copy of the club's code of conduct and rules is made available to the child or young person and their parents prior to or at the time of signing the registration document. In addition there is no evidence to suggest that professional clubs issue a different and more accessible code of conduct to their youth players. Having had sight of one club's code of conduct and rules this is concerning; it is a large document full of legal terms and binding clauses in terms of what is expected of players when representing their club.

It is not apparent from the Scottish FA youth registration form how a child or young person and/or their parents can cancel registration with a professional club. Whilst the Registration Procedures state the means by which registration forms may be cancelled, they neither provide nor refer to any guidance as to how to go about this process (Public Petitions Committee, 2014, p.214). The procedures vaguely refer to cancellation 'by the authority of the Scottish FA', yet fail to clarify what this actually means or entails. This is in considerable contrast to the SYFA registration process 'where a player may have his registration cancelled by submitting a letter requesting such cancellation to the Secretary of the player's current club', and in the 'event that a player and a club for which they are registered are unable to mutually agree to cancellation the player may apply in writing to the Chief Executive [of the SYFA] to have his registration cancelled. In such circumstances, the registration shall be cancelled when a period of 28 days has elapsed from the date such application was properly lodged' (SYFA, 2014, p.12).

5.5.2 Binding nature of registration

The process of cancelling or renewing a young person's registration would appear to be skewed in favour of the best interests of the professional club to which they have signed and not the best interests of the child or young person. The Scottish FA Registration Procedures state that 'The registration of a Youth Player for age groups 10 through to 14 will lapse automatically at the end of the season in which the Youth Player signed the Registration Form and

the Youth Player will be free to sign for another Club thereafter' (SFA, 2014, p.210). On paper this sounds good, as it allows the child or young person to choose not to sign for their current club. However if their current club chooses to make an offer of a further period of registration to the young person, and the young person declines, the now former club '...will have retained a right to reimbursement of training costs of the player as provided for in Annex 8 of the Registration Procedures (SFA, 2014, p.201)'. This brings into question the extent to which the child or young person is truly 'free to sign for another club', as he or she is dependent on the other club being prepared to reimburse the training costs.

In terms of the youth registration process this practice brings into question any notion of freedom of association for these young players. By including the process of training reimbursement within the registration procedures the Scottish FA and the professional clubs have sought to legitimize a practice that infringes a young person's right to freedom of association by conditioning their freedom of movement with the payment of training costs.

In effect this can mean that at the age of 10 children are making a decision to sign for a professional club which they may be tied to throughout their youth football years, unless another club is prepared to reimburse their training costs. It should therefore be borne in mind as to whether it should be considered appropriate to expect children to make such a significant choice at such a young age. The Scottish FA have clearly sought to address this by putting a safeguard in place, which requires parent(s) to sign the registration document on their child's behalf if their child is below the age of 16. The effectiveness of this safeguard is questionable however as the wording of the statement regarding reimbursement of training costs on the player registration form provides no indication of its long term implications. The current statement is:

'The Club, the Player and, if appropriate, the Player's parent/guardian understand that following the Player's Scottish FA Registration by the Club, contribution/reimbursement of training costs may be payable to the Club by any other club that in the future acquires the Player's Scottish FA Registration. The Player and the Player's parent/guardian have been provided with the current contribution/reimbursement of training costs amounts'.²

² SPFL Code of Conduct for Under 19 Players ("the Code of Conduct").

The use of the phrase 'may be payable' would not indicate that such costs will in most instances have to be paid before a young person can move clubs. Furthermore, it is not apparent whether children and young people or their parents are aware of the implications of such decisions at the time they are making them. It is possible that for children and young people and their parents, caught up in the excitement of signing for a professional football club, such considerations are not given due consideration.

The Scottish FA has sought to address this problem by introducing a new rule under Provision 1.2.9 of Annex 8 that states 'No rights of compensation that a club may have in terms of this rule shall prevent a Youth Player moving to a new club' (SFA, 2014, p.241). During the Round Table session in May 2014 the Scottish FA indicated to the Committee that where there is disagreement between a player and the club the Scottish FA can be brought in to mediate on the issue and that to date they have only been brought in as mediators in a handful of cases. It is likely however that the handful of cases is due to a lack of awareness amongst children and young people and their parents that this is a viable option for them.

The viability of this option is questionable as it would appear from the Registration Procedures that in order for a child or young person to exercise their rights under this new rule they would need to act in accordance with the Dispute Resolution Procedure contained within Provision 11, Annex 2, of the Registration Procedures. The Dispute Resolution Procedure however refers to 'Parties bearing their own legal and other expenses...' (SFA, 2014, p.223). This would suggest that only those children or young people whose parents have the financial means to take forward a dispute would be able to do so.

It should be noted that a lack of awareness of this new rule is further evidenced in the fact that Scott Robertson, one of the Petitioner's, at the Round Table event in May 2014 stated, 'I am glad to hear that a rule has been brought in to stop clubs preventing kids from playing football – I was not aware of that' (Public Petitions Committee, 2014, col.2257). Furthermore the Petitioner was able to cite two recent cases where young people have been prevented from playing football for a significant amount of time either because compensation for training costs has not been paid or the level of compensation between clubs cannot be agreed upon. (Public Petitions Committee, 2014, col.2257).

5.5.3 Registration of age group 15 and above

Under Provision 11.7 of the current registration procedures 'the registration of a Youth Player for age group 15 allows a Club should it wish...to bring the Player's registration forward to age group 16 for the following season on the existing Registration Form' (SFA, 2014, p.210). This procedure also applies for age group 16 and age group 17. Unlike age groups 10 to 14 where registration lapses at the end of a season and a new registration form is to be signed, for age group 15 it is the club that decides whether a young person's registration is continued for the following season. No new registration document is signed and the young person has no say in the decision. This effectively means that the young person can be tied into a three year rolling registration with one club with no say in the matter. The rules of registration are such that, if they choose not to play for the professional club who has renewed their registration, they can neither play for a recreational club or their school team; the only option for them is to withdraw from playing football altogether. It is questionable whether this could be considered a fair choice.

The Scottish FA state that this difference in process and treatment of young people comes from the professional clubs, the clubs argue that age 15 is a crucial age for the development of players, and that they have made a sufficient commitment to the player by age 15 and therefore should be allowed to keep them (Public Petitions Committee, 2014, col.2262). John Murray, Academy Director at Heart of Midlothian Football Club, states that '...when a player is 15, we can better assess their quality and whether to maintain our investment in them a lot longer' and that 'because of our investment in them, we like to ensure that we keep them until they are 16 or 17' (Public Petitions Committee, 2014, 2263). This statement would suggest that this policy is balanced in favour of the best interests of the professional clubs and not in the best interests of the child or young person registered with them.

The Scottish FA claims to be a members' organisation and that its rules come from the wishes of the clubs. It is important to bear in mind however that 'In all actions concerning children, whether undertaken by public or private social welfare institutions...the best interests of the child shall be a primary consideration', and that 'public or private welfare institutions should be understood to mean all institutions whose work and decisions impact on children and the realization of their rights...' (Committee on the Rights of the Child, 2013, GC/14, p.8).

This system of rolling registration further exacerbates the potentially binding nature of the registration process. For example, a child at age 10 signs with a professional club, a few prospective clubs have been interested in them during the following 3 seasons but not prepared to reimburse training costs, the young person is still at the same club, which is keen not to lose out in their investment in the young person and therefore brings forward their registration for the following 2 seasons. In effect the young person is held to account over the course of six years for a decision made at the age of 10.

5.5.4 Reimbursement of training costs

As outlined above, the Scottish FA, via the registration procedures for youth players, operates a programme of reimbursement of training costs to former clubs. This system is in place to ensure that clubs are compensated for the investment that they make in a young player. The concern of the Scottish FA and some of the clubs is that if such a scheme were withdrawn altogether there would be no incentive for the smaller clubs to invest the time and effort in a youth development programme as the larger clubs would be able to sign a young player without reimbursing the training costs (Public Petitions Committee, 2011, col.3241-3242).

Fundamentally this programme of reimbursement of training costs leads to a young person being perceived to have a monetary value to a club. This commercial value gradually builds up on an annual basis with the best players being seen as a potential commodity to be traded as soon as there is an interest. In terms of the youth player set up in Scotland we are not talking about a handful of players, but potentially all those players (approx 2,500) registered to professional football clubs. It is not clear from the evidence as to what extent the smaller clubs consider this to be a part of their planned income generating activities.

In practical terms this system of training costs reimbursement has in the past inhibited the movement of young people between clubs and in some instances meant that a young person is held onto merely in the hope that another club will be prepared to pay the necessary costs to register with them. It is not apparent at this stage whether or not the new rule whereby 'no rights of compensation...shall prevent a Youth Player moving to a new club' will have the desired effect of creating a freedom of movement for young people (SFA, 2014, p.241). Even if this option is taken up by young people, how quickly is it applied? The passing of time is not perceived in the same way by children and

young people as it is by adults. Delays in or prolonged decision making as intimated in the two previous cases referred to by the Petitioner, Scott Robertson, will have particularly adverse effects on children and young people, at a time when every hour of playing football counts in terms of their long-term development.

The Scottish FA claims that this is a mandatory requirement of FIFA (Public Petitions Committee, 2014, col.2272). This claim requires some clarification as it would appear that 'FIFA Regulations on the Status and Transfer of Players' concern the transfer between clubs belonging to different associations. The transfer of players between clubs belonging to the same association is considered by FIFA to be governed by specific regulations issued by the association concerned and not by FIFA. This position is also intimated in a letter from FIFPro Legal Department to Realgrassroots wherein it states 'The FIFA training compensation scheme starts counting at 12 but only applies to international transfers. An FA can introduce its own rules including a training compensation scheme.' This would therefore suggest that the reimbursement of training costs scheme and the extent to which it is applied in Scotland is very much at the discretion of the Scottish FA.

5.5.5 Participation in schools' football

In accordance with regulation 5d of the 'Club Academy Scotland Regulations Season 2014-15' 'a player's participation in school football will be subject to the policy and discretion of the club for which he has signed, the detail of such policy having been clearly communicated to the player and his parents prior to signing the registration form' (Club Academy Scotland, 2014, p.4). This means that it is the club that decides whether young people can play for their school team as well as the professional football club with whom they have signed. The young people have no say in this decision, other than choosing not to sign with a club. It is not clear as to the extent to which this policy is clearly communicated to the players and their parents prior to signing the registration form. The policy is currently listed amongst a number of other rules and regulations on the reverse of the Scottish FA Registration Form for young people signing with a professional club.

No information is available as to which professional football clubs permit or oppose a player's participation in schools' football. In addition we do not know if this policy is applied intermittently by the club, or if it is a broad policy applied throughout the football season. Evidence from the SSFA in 2011 to the

Petitions Committee, noted that ‘the matter of players being registered with SFA Youth Initiative Clubs and not taking part in school football is a recurrent complaint from SSFA affiliated clubs’ and in addition stated that ‘the SSFA is deeply concerned regarding social issues such as the separation of players from their peer group and consequent re-integration when, as is the case for most players, they are released by the club.’³

It is worth considering the extent to which the inclusion of this regulation is in the best interests of the child or in the interests of the professional clubs. The clubs would argue that it is in the best interests of the child in terms of their physical health and increasing risk of injury not to be participating in too many football games. In addition the clubs could be questioned as to their underlying intent; might it be that having invested in a child or young person they wish to minimise the risk of injury, as otherwise they have lost out financially.

5.5.6 Registration or contract

The question as to whether a youth registration form is a contract is a highly contentious one and has been the focus of a great deal of debate during the life of the Petition to Parliament. In a communication to the Commissioner’s office the Scottish FA sought to clarify this point. It stated that ‘the players on a Youth Registration (10 to 17) are amateur status and sign a registration form which binds them to the club to which they are registered’ and that ‘in a football context the term contract means an employment contract for professional players who are paid a weekly wage. A player is only entitled to enter into such a contract upon attaining school leaving age but as stated above this does not apply to a Youth Registration’.⁴ Whilst much of the debate would at first glance appear to be one merely of semantics it does have profound implications for children and young people who ‘register’ to play football with a professional club.

As clearly stated by the Scottish FA, the registration form ‘binds [the young player] to the club to which they are registered’. It is this binding nature that is of significant concern in terms of its negative impact on children and young people. As evidenced throughout this section, the registration process is replete with rules, provisions and clauses as to what a player from the age of

³ Scottish Schools Football Association (2011). *Response to request from Scottish Parliament Public Petitions Committee, Petition PE1319*.

⁴ Provided to the Commissioner’s office in correspondence from Scottish FA [16/12/2014].

10 can and cannot do in terms of playing youth football. On the other hand little account appears to be taken of what obligations and duties should be in place in terms of the club's commitment to each young person whom it registers. The SPFL Code of Conduct for Under 19 Players does place obligations on the club to make provisions for a young person playing football, but does not 'bind' that club to the player; the club can drop a player at the end of a season or at any point during a season. The inequity of this situation becomes all the more apparent when you consider the status of young people aged 14-17 who can be tied into a three year programme of rolling registration with little or no opportunity of release, whilst their club can drop them at any point during that time with no notice of their intention.

5.5.7 Investment by children and young people

A significant amount of discussion of the youth player system is quantified in terms of the investment in both time and money by the professional clubs. There is little account or acknowledgement given to the significant investment by a young person, their families and schools. The young person invests a great deal of their time; balancing their school work with the hours spent training, travelling to and playing football matches. In many instances children and young people are only able to commit to the demands of playing professional football due to the support they receive from their families, who often provide them with the necessary transportation to and from training and matches.

5.5.8 Employment contract

Whilst the remit of this impact assessment is to look at the youth registration process it cannot go unnoticed that there has been an emerging issue in recent months with regard to the terms and conditions of young people signing contracts of employment with professional teams once they are of school leaving age. One case, reported in the media, centres around the failure of a professional club to pay the national minimum wage to one of its young players. The petitioners are concerned that other professional clubs are offering similar payment terms to young people signing employment contracts with them. If this is the case, not only is this a breach of national minimum wage legislation, but a further example of the best interests of the club preceding those of the young person.

5.5.9 Complaints mechanism

It is not clear from the current registration procedures how a child or young person would lodge a complaint against a professional football club. Even if a child or young person did know that this option existed, in the current culture of youth football in Scotland where clubs rule would a child or young person feel truly free to undertake this course of action without being labelled a 'trouble maker' by a club? This type of culture does not lend itself to enabling children and young people to exercise their rights.

5.5.10 Legal assistance

In Scotland The Civil Legal Aid (Scotland) Amendment Regulations 2010 and the Advice and Assistance (Scotland) Amendment Regulations 2010 have led to children and young people's eligibility for Civil Legal Aid being assessed on the basis of their parental income, rather than their own (as had previously been the case). This has had the effect of denying some children and young people a voice in key decisions affecting them. This is despite the fact that 'States have an obligation to provide effective remedies and reparations for violations of the rights of the child, including by third parties such as business enterprises...In all cases, children should have recourse to independent and impartial justice, or judicial review of administrative proceedings' (Committee on the Rights of the Child, 2013, p.9-10).

6 Recommendations

Taking into account the impacts identified in this assessment there follows a number of recommendations. Where possible the recommendations have been directed at named stakeholders. Taking this into account it is therefore important that this assessment and its recommendations are disseminated to all relevant stakeholders as well as the Public Petitions Committee.

6.1 Taking account of children's rights

- 6.1.1 Professional football clubs need to take greater account of children's rights within youth football; this should form part of a general improvement programme on human rights within football. To guide clubs in undertaking this commitment it is recommended that 'Children's Rights and Business Principles' as developed by Unicef are adhered to. These principles form the foundation of actions that businesses can take in terms of their corporate responsibility to respect children's rights. Within the context of Scotland, particular heed should be paid to: 'Principle 1. Meet their responsibility to respect and support children's rights and commit to supporting the human rights of children'; and 'Principle 4. Ensure the protection of children in all business activities and facilities'.
- 6.1.2 Professional youth football in Scotland needs to undergo a significant attitudinal change. The clubs and to some extent the Scottish FA refer to youth players purely in terms of investment and fail to acknowledge the young person in his or her own right. This mindset is counterproductive, with young people themselves from an early age perceiving their talents purely in terms of financial worth.
- 6.1.3 Respect for a child or young person's rights must form part of a professional club's process when undertaking due diligence on contracts of employment with young players.
- 6.1.4 Any future changes to the youth registration process should be informed by the views of children and young people who play professional youth football. As they are subject to it they are in the best position to identify its flaws and suggest practical changes to help improve it, thereby ensuring the process is fit for purpose. The

process should also be reviewed regularly with children and young people to take account of changing circumstances.

6.2 Raising awareness of children's rights

- 6.2.1 The Commissioner's office, the Scottish Government and Public Bodies should adopt and implement a comprehensive strategy to inform and educate all children, parents and caregivers that business has a responsibility to respect children's rights wherever they operate, including through child-friendly and age-appropriate communications.
- 6.2.2 With the assistance of the Commissioner's office, the Scottish FA, its affiliated associations, the SPFL and professional clubs must ensure that all staff and volunteers involved in youth football (such as trainers, coaches, physiotherapists, officials, managers etc.) are aware of and understand children's human rights, particularly in the context of youth football.
- 6.2.3 Children and young people involved in youth football, and in particular those that are registered with a professional club, must be made aware of and understand that they have rights. It is possible to undertake this in a staged approach. Stage one would focus on the seven football academies. Stage two would focus on the professional clubs that are members of Club Scotland Academy.
- 6.2.4 Provision of children's rights awareness raising with children and young people as well as staff could form one of the requirements of the Club Academy Scotland Minimum Criteria under section 5 'Support Staff and Services'. This would enable the Scottish FA to undertake some level of monitoring in terms of a club's adherence to this requirement.

6.3 Changes to the youth registration process

- 6.3.1 It is suggested that the cancellation of registration for youth players on a 'Scottish FA Registration Type – Youth' is aligned with that of the SYFA, whereby a young person is required to give 28 days' notice that they wish to leave a club. This should be applied to all age groups.

- 6.3.2 Each young person registering to play with a professional football club should be provided with age appropriate information and guidance as to what registration entails. Where feasible this information should be provided to each young person in advance of them signing with a club; this will enable the young person and/or parent(s) to ask questions prior to registration.
- 6.3.3 The Professional Footballers Association (PFA) Scotland has produced a document that outlines the advice available from their Youth Football Advisory Service. The service aims to provide advice to children and young people and their parents on youth registration. Consideration should be given as to whether every child or young person signing a youth registration form, or a contract of employment with a professional club, should be given a copy of this document prior to them signing.
- 6.3.4 All information regarding registration, including how to cancel registration should be easily accessible and understood by children, young people and their parents. This will provide for a more transparent system of registration and will be an important way to clarify with both young people and their parents the terms and conditions that will apply after signing with a professional club.
- 6.3.5 As youth players are currently required to adhere to a club's code of conduct and rules it is recommended that each club develops, in consultation with children and young people who play for the club, age appropriate versions of these.
- 6.3.6 It is recommended that the registration procedures that enable a club to bring forward a player's registration for age groups 15 and 16/17 are removed. This would bring these age groups in line with procedures for age groups 10 through to 14 whereby the registration of a youth player lapses automatically at the end of the season in which the youth player signed the registration form.

- 6.3.7 Amend provision 2.1 of Annex 10 in the Registration procedures with regard to school football to read 'A Youth Player registered for a Club in full membership of the Scottish FA or in membership of an Affiliated Association may also play for his school team' removing the condition that makes this 'subject to the policy and discretion of the Club for which he has signed' (SFA, 2014, p.245).
- 6.3.8 The above amendment should also be mirrored in regulation '5d Participation in Schools' Football', in the Club Academy Scotland Regulations.

6.4 Changes to the process of reimbursing training costs.

- 6.4.1 Consideration should be given to amending the current scheme on 'reimbursement of training costs', only applying the reimbursement of training costs to clubs when and if a young person signs a contract of employment with a professional club once they are of school leaving age and above.
- 6.4.2 At the very least youth players and their parents need to be provided with clearer information as to the existence and application of the 'no rights of compensation'. To date it would appear that lack of awareness of or understanding of this rule has meant that it has rarely been applied in situations where a child or young person wishes to move clubs.
- 6.4.3 In situations where the 'no rights of compensation' rule is applied this should be done so in good time. Any delay in this process will have a particular adverse effect on a child or young person's football career. We must do our utmost to avoid situations where a child or young person is prevented from playing football for an entire season, whilst professional clubs negotiate trade deals.

6.5 Independent regulation and monitoring of registration process

- 6.5.1 The youth registration process is an agreement between two parties that places obligations on both. To ensure it takes account of the interests and rights of children and young people as much as the interests and responsibilities of professional football clubs it needs to be regulated and monitored in a manner that is independent of the clubs.

- 6.5.2 In accordance with Article 3 paragraph 3 of the UNCRC, The Scottish Government has a duty 'to ensure that the institutions, services and facilities responsible for the care or protection of children to conform with the standards established by competent authorities, particularly in the areas of safety, health and the number and suitability of their staff, as well as competent supervision'. It is not clear if the Scottish FA is sufficiently independent of the clubs to have this regulatory function devolved to them.
- 6.5.3 There are a number of specific functions an independent regulatory body could undertake with regard to youth football. They would be able to monitor and audit the training costs reimbursement scheme to ensure that its operation is not breached by any club; and where there are alleged breaches it would be able to investigate. In those instances where children or young people wished to lodge a complaint against their club, they would be able to take it to the independent regulator. The regulator would be able to ensure efficient and effective resolution of complaints. Non-judicial mechanisms, such as mediation, conciliation and arbitration, can be useful alternatives for resolving disputes concerning children and young people, and business. This body would be in a position to identify problems with the system, make recommendations and ensure a continuous improvement model for youth football.

6.6 Individual complaint mechanism

Regardless of whether or not an independent regulatory body is established a clear process needs to be put in place immediately to ensure that children and young people can lodge a complaint where they feel their rights have been infringed by a club. To support them in following through this process accessible information must be made available to both them and their parent(s) as to how to lodge a complaint and where to take it. A child or young person may also require legal advice; consideration needs to be given as to how to ensure that this is made freely available to the child or young person regardless of the parents' income.

6.7 Public Petitions Committee

The Committee have over the course of the past four years given a great deal of consideration to the issues highlighted in Petition 1319. All of the above recommendations concern the actions and steps that should be undertaken by various private and public bodies. As well as considering these recommendations the Committee itself is at a point when it should be deciding on its next steps. It is clear that while small changes have been made by the Scottish FA and the SPFL to improve the registration process for youth football a great deal remains to be done if we are to ensure that this system is compliant with children's rights. Taking this into account the Petitions Committee may wish to consider whether they feel the issue of youth registration merits further investigation in the form of an inquiry by another Committee of the Scottish Parliament.

7 Conclusion

One of the fundamental aims of children and young people's rights is to ensure that children and young people fully enjoy and exercise their rights as recognised under law; however they can only truly be enjoyed by children and young people when they are properly reflected in law and have foundation within the cultural, political and societal traditions of the place they live in. As Shona Robison, Minister for Commonwealth Games and Sport stated in advance of the Commonwealth Games, 'The Scottish Government is committed to creating a modern, inclusive Scotland which protects, respects and realises the human rights of all. We believe there is no place for prejudice or discrimination, in Scotland, or any other part of the world'.⁵

Taking into account the findings of this child rights impact assessment it is therefore of great concern the extent of power and control that some professional football clubs exert over children and young people who sign for them: children as young as 10 years of age. Whether the term 'contract' or term 'registration' is used when referring to the document a child or young person signs when they join a professional football club it cannot be disputed that the document is a binding legal agreement that operates primarily in the interests of the club and not in the interests of the child or young person. If children or young people want to play football for a professional club they have no choice but to sign these agreements: any attempt at a later date to challenge the authority of these or to claim rights and redress might directly threaten a young person's chances of playing football professionally. Is 'not signing' really an option for a child or young person who dreams of playing football for Scotland?

It is the responsibility of professional football clubs, the Scottish FA (and its affiliated Associations), Sport Scotland and the Scottish Government to develop in consultation with children and young people a child-centred system with the aim of developing competitive youth footballers whilst ensuring their human rights and dignity.

⁵ Scottish Human Rights Commission (2013) *Human rights, business and Commonwealth Games event*. [News Release] 22 October 2013. Available from <http://scottishhumanrights.com/news/latestnews/bhrconf2013> [Accessed 12 May 2015].

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Part 2: Exploring the views of young players

This report has been written by Carole Ewart with Kay Tisdall, Professor of Childhood Policy and Co-Director of the Centre for Research on Families and Relationships (CRFR) at Edinburgh University, providing input to the proposal, methods tools, obtaining ethics approval and commenting on drafts.

9 Introduction

This research report explores what children and young people as ‘young players’ think about youth registration and its consequential arrangements, as well as the impact it has on their lives. It is designed to provide information on children and young people’s views and to complement the child rights impact assessment, which forms part 1 of this submission.

Listening to and taking account of the views of children and young people in matters affecting them is an important human right, provided for in the UNCRC. Engaging directly with children and young people affected by the issues raised by the petition is an important means by which the Committee and the Commissioner can realise children and young people’s rights. In addition, listening to the views of children and young people is part of the general functions of the Commissioner, which are directed to respecting, promoting and safeguard the rights of children and young people.⁶ (See Appendix 1).

This research project interviewed children and young people with a range of experiences, and with the potential to offer a mix of views.

The report is divided into four further sections.

- First, the report lays out the context of youth football registration, within Scotland in a human rights context.
- Second, the report explains the methodology and ethical considerations for the research project.

⁶ The functions are set out in the Commissioner for Children and Young People (Scotland) Act 2003.

- The third section presents the findings from the research with children and young people.
- The fourth section discusses the findings more broadly.

The report ends with conclusions and recommendations.

10 Rights and wellbeing

This research project has been undertaken from a rights based perspective and has repeatedly considered how the best interests of the child or young person are considered in the design and delivery of the youth football registration process.

The UNCRC defines a 'child' as every human being below the age of 18 years unless majority is obtained earlier. In accordance with international law therefore, this research project has sought to gather the views of children who play football below the age of 18. Please note that in this report all the participants below the age of 18 are referred to as 'children and young people' or 'child and young person', due to the preference of older children for this phrasing. It must be borne in mind, however, that clubs, football associations, as well as children and young people themselves, often refer to under 18 footballers as 'young players'.

10.1 UNCRC

By ratifying the UNCRC in 1991, the UK committed itself to bringing its law, policy and practice into line with the Convention. Scotland has declared itself to be a rights respecting nation for children and young people and as such our Government undertakes 'to ensure the child [all those below eighteen years] such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures'. It is therefore important that the youth football registration process is understood within this context.

A number of rights contained within the UNCRC are particularly relevant to this research. Appendix 2 provides more detail on these. The UN Committee on the Rights of the Child publishes General Comments to assist with the

interpretation of the UNCRC. Two General Comments published in 2013 are particularly relevant to this research:⁷

- General Comment No. 16 on State obligations regarding the impact of the business sector on children's rights; and
- General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts.

The child rights impact assessment in part 2 of this submission provides further discussion and details on the UNCRC and the General Comments in respect of youth football registration.

10.2 GIRFEC

Getting it Right for Every Child (GIRFEC) is the current framework for the delivery of children's services in Scotland, as well as supporting the implementation of the UNCRC in Scotland. Schools, and head teachers in particular, have a central role in delivering the GIRFEC framework. Schools therefore have an important role to play in ensuring the rights and wellbeing of their pupils who play professional football.

10.3 Rights, sport and business

In Scotland as well as internationally, attention is increasingly focussed on the connection between human rights and sport, and human rights and business. The UN Human Rights Council Advisory Committee has produced a study 'on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them'.⁸ This approach was reflected recently in Scotland with a partnership between Glasgow 2014 and Unicef UK to ensure that the rights of children and young people, central to the Commonwealth ideal, were promoted during the games. The focus of this research project was on commercial football clubs, and whilst they are private companies, they have a role in respecting and promoting human rights.

⁷ The full text is at the UN website

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

⁸ For more information go to the UN website

<http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HumanRightsThroughSport.aspx>

11 Research approach

The research project aimed to identify key issues for children and young people in the 'youth football registration' process, their experiences and opinions of such registration and consequential arrangements, and the impact these had on their lives. The research was undertaken from October 2014 to March 2015. The project had three stages:

1. Preliminary work was undertaken through desktop research and individual interviews. This informed the research with children and young people, in the next stages.
2. Focus groups were held with children and young people.
3. Individual interviews were held with children and young people, who had particular experiences of youth football registration.

This section details the methods used, ethical considerations, who participated and data management and analysis.

11.1 Methodology and ethics

Preliminary work was undertaken to inform the subsequent research directly with children and young people.

- desktop research was carried out to identify relevant policies and information about youth football registration in Scotland and associated organisations and processes.
- seven individual interviews were undertaken with adult stakeholders to understand the youth football registration process and potential issues for the subsequent focus groups and interviews.

This stage identified a question about how free children and young people were to give their views on a topic of public interest, and if they were potentially constrained by their relationship with football clubs as private companies.

Furthermore newspaper coverage of various cases during the course of the research project suggested individuals were facing problems because of the contract terms that they had signed whilst under 18 years of age. Some reports indicated there was a specific contractual duty not to speak out and/or

a general clause about 'not bringing their club into disrepute' by expressing views. This raised ethical concerns about inviting children and young people to participate in the project, if it would place them in a difficult position in relation to their football club. The research faced a problem in the recruitment phase: what had children and young people agreed to with their youth football registration and were they, and their parents and carers, aware of what they had agreed to. We shall come back to the issue of contracts and registration processes later in the report.

In preparing for the direct research with children and young people, additional ethical issues were considered, ranging from informed consent, anonymity and confidentiality; methods used; and feedback on findings.

To address this potential problem we worked with children and young people at school where the project would be part of their educational experience. In addition a new stage was added to the project to identify potential research participants. When recruiting children and young people, they were asked a number of questions to ascertain whether they were able to participate. (See Appendices 4 and 5) The results were illuminating in themselves, as reported below. See Appendix 3 for more detail on research methodology.

11.2 Participants

From the initial information distributed to 52 potential participants, 39 children and young people responded to the Commissioner's Office. Respondents were aged from 12 to 18 years.

The potential participants reported playing football in a range of settings:

- 16 played for their school team (including 8 from the community football club);
- 13 played for community football clubs; and
- 27 played for professional teams.

Eleven respondents played for two or three of these team types: e.g. playing for the school and perhaps a community football club or professional team.

From these responses, children and young people were asked to participate in focus groups and interviews. This resulted in 28 children participating across the three focus groups. Nineteen individual interviews were undertaken. More

boys were recruited than girls (4), which mirrors the greater involvement of boys in youth football.

11.3 Summing up

The research project was successful in recruiting a range of children and young people, aged between 12 and 18. It involved some girls as well as boys, with a mix of experiences and views in regards to youth football registration. It was a small scale project, constrained by time and other resources, yet able to address effectively the project's aims: to identify key issues for children and young people, who are young players, in regard to youth football registration.

12 Children and young peoples' experiences and views

This section presents findings from what children and young people shared through the recruitment process, focus groups and interviews. It begins by providing an overview of children and young people's views and experiences before going on to discuss the paperwork provided as part of the registration process. Analysis is then provided of the findings from the focus groups and interviews, under the following key themes:

- General experiences and views
- Children and young people's views on how to succeed
- Paperwork on youth football registration
- Signing with professional football clubs
- Obligations and rights
- Accepting and understanding the rules
- Leaving the professional football club
- Staying with the professional football club
- Impact of youth football on children and young people's lives
- Alternatives to the current system

12.1 General experiences and views

Children and young people clearly enjoy their engagement with youth football.

Attitudes and culture are important in this. Everyone interviewed enjoyed playing football and there was a strong personal commitment to succeed. Success was described in a variety of ways but the vast majority wanted a career as a professional football player. Some expressed an alternative view such as succeeding in education, getting a good job and playing football for personal fulfilment. In terms of performance, children and young people appeared to be encouraged consistently to focus on performing well as an individual rather than being assessed as a team player: although a team may lose they could have had a 'great game'.

In addition children and young people also were aware of the commercial environment in which they are playing. There was a sharp understanding, even from the youngest participants, of the market value of individual

professional footballers, determined by their commercial value to clubs in a competitive market. There were informed conversations about the market value of several domestic and international players. There was a perception that there is more money and better facilities generally in English football.

12.2 Children and young people's views on how to succeed

Children and young people provided views on how to succeed in professional football in Scotland. There was consistency in their responses, which focused on individual action, family support and the involvement of professionals.

Participants recognised that **accessing expertise** in professional football clubs builds individual skills. In addition to natural ability, personal hard work and dedication, participants appreciated that players need the skills of coaches, good facilities and equipment for their abilities to develop.

'Create your opportunities' was an important message for children and young people. Children and young people believed a great deal of time and effort is needed to get to a stage that a football scout will notice a player. This includes coaching from family members, time spent practising, playing for clubs, being in the school football team, encouragement from family and friends.

Family support is essential to access and realise opportunities. Families are involved at every stage and typical comments included 'Need to talk to family about opportunities' and 'They need to support you if you move to a different school'.

Attitude, lifestyle and skills are also key. Participants thought lifestyle choices influence development of football skills. Eating healthily and training well are clearly understood and managed. Comments included: 'You eat properly to get energy and as you are using up lots of energy you need to eat more food and the right kind'; 'No fizzy drinks'.

Confidence and achievement can also help success. There was a strong sense of achievement in being signed in a competitive environment. A typical comment was 'Your confidence improves when you're spotted'.

12.3 Paperwork on youth football registration

It is important to note the nature of the paperwork and documentation children and young people encounter when taking part in youth football. The

documentation on youth football is key to our understanding of the process which children and young people undergo to participate in youth football.

Potential participants were invited to provide copies of paperwork associated with their youth football registration. (See Appendices 4-6). One-third provided such documentation. Analyses of these provide an insight into the range and detail of documents attached to participation and registration. Eight types of documents were supplied:

1. Scottish FA 'Player Registration' Form
2. Guidance Notes on the Player Registration Form
3. SFA Non-recreational Youth Registration Form (10-17) Declaration
4. Code of Conduct for Under 19s Players
5. Club Specific Information
6. Individual Performance Results
7. Youth Player Assessment Forms
8. Complaints Process

A description of each of these is provided in Appendix 7. Further discussion on this documentation is also provided in the Child Rights Impact Assessment.

One of the key findings is that children and young people reported a range of registration arrangements:

- When asked if they had a contract, 29 children and young people answered 'yes', 7 answered 'no' and 3 answered 'don't know'.
- 38 children and young people reported signing a document when they joined their football club.
- Less than one third (13 children and young people) had copies of the documents.

The majority of children and young people thought they had a contract. There are different documents attached to their participation in football and their compliance with the club and registration rules.

12.4 Signing with professional football clubs

Whilst participants registered with different type of clubs the focus of this research focuses on young people registered with professional football clubs.

Whilst a single system for 'youth football registration' operates, within it there are a number of variations depending on the rules and practice of the professional club to which a child and young person is 'signed'. Where a child or young person is signed by a professional club, a number of themes emerged about the process.

- **Single system.** One system exists to participate in professional football in Scotland, the Scottish FA 'Player Registration Form'.
- **Variety.** Experiences of the youth registration process vary according to individual circumstances as well as the club a child and young person is registered with.
- **Procedural differences.** The act of registration with a professional club varies. Whilst some participants had attended a large meeting where the 'focus was on improving performance and not the mechanics of signing the forms' others had individual meetings with coaches where performance and, in their opinion contracts (i.e. registration) were dealt with.

There is a consistent view that children and young people sign a contract (or parents/carers do so on their behalf), which means they are restricted in what they can do, and that obligations fall on key stakeholders. According to the research participants, any child or young person who wants to play professional football has no choice about the way to achieve that: there is only one route and that is determined by the professional clubs that regulate the process, including adjudicating on rights and obligations.

Although children and young people repeatedly talked about signing contracts, they also stated that they could only sign a 'playing contract' with a professional club at the age of 16.

Signing with a club

'Originally I signed the contract as I did not think I had other options'.

'We had a five minute slot to sign and did not see the paperwork again'.

Whatever the terminology and status of the document, the perception given is that the children and young people felt bound by the contents, as determined by the clubs.

12.5 Obligations and rights

Several professional football clubs specify that children cannot play in the school football team as long as they are registered with them, and this appears to be accepted and understood by some schools.

Participants understood that obligations fall on children and young people from the 'Player Registration' process. For example some clubs specify that children and young people cannot play any other sports so that they can focus on football, and to reduce risk of injury: e.g. 'They told me I can't ski'.

There is an understanding about the player's restricted movement between clubs. Children and young people talked about how a club 'can keep your papers' but 'you need to get your papers before you can move on'. This understanding is underpinned by awareness of the rules: children and young people repeatedly explained that when children sign a 'contract' at age 10 it is on a rolling basis, year to year, until they are aged 14; if they are registered with a club at age 14 young people potentially had a three year term with a club. This was viewed positively and with little apparent concern that the young player may want to go to another club.

There is an understanding that obligations from the 'Player Registration' process are owed to the club by the parents and carers too. These are acquired when the child or young person signs the 'Player Registration' form. Obligations described include that they need to behave when watching matches and/or training, buy the right kit (e.g. boots for the young player) and report any approaches by another club.

Obligations

'You must tell them if any other team approaches you'.

'Abide by the club's rules'.

'Train properly and work hard'.

'You always need to go to your game'.

Conversely children and young people had a narrow sense of what rights they enjoyed. For example there was no agreement on whether they had the right to ask for more game time. Some children and young people thought they had the right to do that whilst others thought that was 'cheeky'. However some suggested 'your parents could still ask for you'.

Understanding of rights

'Get game time on Sunday'.

'Respected in the club'.

'Go to the training'.

'Free kit'.

12.6 Accepting and understanding the rules

Children and young people accepted the sacrifices and obligations of being involved in youth football and believed success requires a lot of determination and effort. Most believed the system is designed to recognise individual achievement. Children and young people are constantly evaluated by the club/coach and this was accepted as a necessary part of the system. There was no consensus on their ability to influence this process.

A hierarchy of clubs was perceived. For example many participants explained that if a youth player were dropped by Rangers or Celtic, they would get picked up straight away by another club.

Opinions were informed by social media, general chat at events and tournaments as well as known experiences and anecdotal exchanges. For example, in one focus group children and young people discussed whether a youth player was dropped by a professional club by text message or not.

Children and young people understood that data was gathered on them: e.g. fitness tests, weight and football scores to chart their progress. No questions were raised about the database, information tracking children from a young age, the sharing of data between clubs or what happens to the data when children become adults.

Typical views were

'You get assessments at Christmas and May/June unless the coach wants to speak to you at another time'.

'You can ask for a meeting with the coach to raise issues'.

'Your Mum and Dad can tell the coach if anything is upsetting you'.

There are some rule variations according to gender. The football season for girls is different from boys with the girls' season running until November each year. The rules are different: e.g. girls can sign with a boys' club but boys cannot sign with a girls' club. There seems to be some confusion about the youth football registration rules for girls compared to boys so this is an area that may require further examination.

12.7 Leaving a professional football club

There is a big impact on children and young people's lives and dreams if a professional club decides not to renew a young player's football registration. The language used by children and young people varied: 'dropped', 'let go' and 'get released'. The event can be public, traumatic and apparently harsh: children and young people spoke about parents and young people leaving performance review meetings in tears and being told to return all the used kit to the club.

Some children and young people who had not been released still thought the process is tough as they had witnessed the act and impact on friends and others they knew. The youth football registration system does not appear to provide support or encouragement to those released. However individual coaches or head teachers can step in and try to find players another professional club but there is no formal process to make that happen.

Many described being dropped by a club as common and professional clubs are 'not scared of dropping anyone'. Children and young people explained that 'they can tell you they don't want you at any time' and 'we know lots of people who have been dropped'. There is a realistic approach to the process, with children and young people pointing out that at the beginning everyone thinks they will make it as the clubs are really encouraging about them personally.

Impact on young people leaving a club

'De-motivated'.

'Just gave up football'.

'Your confidence goes down'.

'Dents your confidence'.

'Being dropped is hard to deal with'.

'I was in tears when I found out'.

'Dreams shattered'.

'Affects how you play'.

Children and young people were realistic and pointed out that only a small number make it through the ranks to be a professional. They also knew that some people's skills do not improve as they get older but recognised that an exit can be prompted if 'you just don't get on with the coach'.

Conversely if players were not dropped there are also problems as they could not just leave their club to move to another. Children and young people may want to move for different reasons and some of the theoretical scenarios offered were that they may:

- believe they are being badly treated by their current club;
- want to move to a better club;
- want to combine playing football with other things; or
- want to move to a boys' club.

That is when problems arise about rights and duties.

12.8 Staying with a professional football club

Some children and young people realise their dream and become a professional football player. This opportunity can be planned for and the offer accepted as soon as the player turns 16 years but a consequence can be s/he leaves home, lives independently and with a good income. A gap can exist in the player's education which could be filled by flexible provision at Further Education. For example, in England there is an 'Extended Diploma in sport' and NVQ in sporting excellence that can be a route into employment in later life.

Issues for Young People

'I would like to have control over my life and do what I want to do'.

'Currently my club will not release me as they want compensation'.

'Was not fully aware of the implications as thought it was all positive'.

12.9 Impact of youth football on children and young people's lives

The impact on children and young people's lives is significant. Children and young people described their daily routine as organised around developing their football skills and playing football. This required balancing school, training with the professional football club, homework, playing football matches, social and family time. Participants talked about having to catch up with homework, coping with times in the football season when fitness training is more intense and dealing with periods when they 'get really tired'. They understood the benefits of their disciplined regime.

Performance and attitude 'on and off the pitch' are considered important and part of the evaluation process adopted by the professional football clubs. This includes when children and young people are out with friends as their behaviour could be noticed by someone from the club. Children and young people are expected to be an ambassador for the club at all times so how they behave in school, at tournaments and in the street matters.

The impact on family life of the young player's daily routine was understood: training can be three times a week after school, there can be school football matches, games on a Saturday or Sunday and other special training opportunities including trips to England or overseas. Parents and carers have to be involved to make it happen: taking children and young people to events, training, and matches, which can involve long trips and ensuring their kit is washed and ready at the right times. Children and young people talked about spending the travelling time purposefully: e.g. to do homework or to talk. Sometimes some clubs put on transport (e.g. to away games) but according to the research participants transport is mostly provided by family/friends and car share arrangements.

Impact on young people's lives

'You make choices different to some of your friends such as avoiding drugs and alcohol'.

'You need to have confidence to stick to the deal such as when your pals are off to the chippy at lunchtime you need to stick to the right food'.

'You know you need to work harder as you get older as there are fewer opportunities whereas there are a lot of younger children recruited'.

There are financial costs too as children and young people are expected by clubs to have the right kit and eat the right food at the proper times. Some children had food diaries.

There are implications for families and budgets if the child or young person moved school or went to an elite school to develop their skills. These implications include getting the bus early in the morning or being taken to the bus by a parent or carer. Children might need to obtain a bus pass if they use public transport.

Clearly, big decisions need to be made early on in the lives of children and young people if they were to realise their career dreams.

Overall it can be concluded that there is a lot of pressure on the player and family to do well and meet expectations, set by themselves as well as by the football club.

Typical views were

'Cannot get a pro-contract with school team so you need to take your chance with a professional team'.

'You need to think about sacrifices and you might have to change school to develop your football skills'.

'By the time you are 15-16 years most of the squads are picked by then so they are not out scouting'.

12.10 Alternatives to the current system

Children and young people were invited to suggest how the system of youth football registration could be organised differently. They suggested the following components:

A culture of mutual respect and individual encouragement. A few participants stated that it is 'a completely different culture' in a community club compared to a professional club. The former is more supportive and 'less competitive' and players are no longer 'told off in front of everyone which causes embarrassment'. Another view was that some coaches can be quite authoritarian and required children and young people to do everything they said. This could create a sense of unfairness.

Rights and choice. Some participants thought children and young people should be able to choose when and where they play football rather than being told by a club what they can and cannot do. They saw the lack of choice and control as negatively impacting on a player's attitude. Also the current system does not give children and young people the opportunity to take time to develop their skills and the pace of achievement is determined by the clubs' performance evaluation systems.

Playing football. A few participants commented on the need for children and young people to have more game time and to have the right to ask for that as there was a strong sense that only with practice can children and young people's skills develop. However there was uncertainty about whether children and young people should actually influence the decisions of a coach.

Competing pressures. It was felt by some that there is 'no rest from football during the exams with the club thinking they are the priority but so does the school'. This can put players under a lot of pressure. One suggestion was 'perhaps better co-ordination is needed'.

Rights information. Some indicated that rights information would be useful, for example if a club had given a player 'false hope' on his/her future playing capabilities. Many believed that the current system could be explained to children and young people 'more clearly' although the system itself is 'good'. One respondent suggested that the 'Legal side could be covered more as you don't have custody over your own contract'.

Reassurance for parents and carers. Some suggested that parents and carers needed more reassurance that their child and young person's education would not suffer because of the time s/he was spending on football during school time.

Enjoyment of football. Some thought that clubs should make football more enjoyable at a younger age.

Making changes

'If you ask you should be allowed to move'.

'More power to the player and not the clubs'.

'Clubs are only interested in their needs'.

'It should be down to you, not the club'.

'You don't have a say in what happens to you'.

12.11 Summing up children and young people's views of the process

Children and young people mainly described the process and implementation of the youth football registration system on their lives as being determined through a contract which they have signed. However the youth football registration system is not supposed to be a contractual situation as it is a registration system and involves children from the age of 10.

Despite the fact that the youth football registration system is about registration rather than having the status of a contract, children as young as 10 years of age believing that they have entered into a 'contractual arrangement'.

It is understandable that children and young people, and their parents/carers think they are in a contractual arrangement. The formality of the documentation, the appearance of the paperwork, the requirement for signatures and witnesses plus the obligations that accompany the process, which they accept, could lead to a reasonable conclusion that the youth football registration process is a contractual situation.

It is a matter of concern that only one third of the children and young people had copies of their paperwork. There is no strong correlation between signing with a professional club and having paperwork. However, the implications of signing with a professional club are so significant that children and young people should have such copies, to know of mutual obligations and rights.

Several versions of the Player Registration form were provided, indicating that families did not necessarily hold the most up to date copy. Some documentation indicated that there were further details of player and parental obligations available elsewhere but looking up the relevant websites did not readily provide access to that information.

There was a general sense of a lack of paperwork setting out all the details at any stage in the process. The terms, rights and compliance in the youth football registration process is an area that requires further research.

Throughout the process there have been direct and oblique references to the database on young footballers that underpins the system. For example a list is circulated every season to every head of youth in professional football clubs to say who has been dropped. This can create opportunities for players to join other clubs who become aware of their availability. The database which

accompanies youth football registration is processed by the Scottish FA 'in accordance with its obligations under the Data Protection Act'⁹. This is an intriguing component of the current system which may be useful to research in more detail.

In conclusion

Children, young people and their families are involved in the commercial world of football from a very early age. There is excitement and pride associated with being selected by a professional football club. When pressed, children are clear about their obligations, and those of their family, but are less certain about their specific rights. Children and young people invest a lot of time and energy to develop their skills and their family and carers invest time and money too. However, neither is recognised in the registration process.

⁹ Scottish FA Handbook 2014/2015 Section F para 16.

13 Reflections on the findings

The views and experiences of children and young people have implications for policy and practice. These are discussed below. Six themes are discussed, building on the findings from the fieldwork and discussing their implications within the youth football registration process and associated policy contexts.

13.1 Significant investment by children, young people and their families

Children and young people were invited to describe their weekly routines. What they told us demonstrated their dedication to becoming great athletes and excellent footballers, their loyalty to their club as well as efforts to be good school students. The system should recognise, reward and accommodate the practical, physical and emotional efforts invested.

Families must have the time, money and other resources to enable children and young people to participate in the youth football registration process. Their contribution is not formally acknowledged, but is expected, in the current process. There is no expectation at any point that the child, young person or family should be compensated for their investment in developing the player's expertise.

13.2 Registration is binding and has consequences.

Registering with a professional club is regarded as a won opportunity. Consequentially players are willing to do what they are told. According to the research participants, obedience and discipline are seen as laudable and necessary personal qualities. Children and young people acknowledged they get constant feedback on how they are performing and where they are going wrong. For some this was a harsh experience, especially in front of their peers with typical comments being 'quite negative' and 'brutal'. For some the experience was entirely positive and enjoyable.

The youth football registration process is formal and creates an impression of a contractual relationship with the club for both the young player and for the parent/carer. Whilst children and young people believed they were clear on the implications of registration, when this was explored further some were confused (e.g. about the detail of the accumulation for compensation payments).

13.3 Relationship to contract law

In Scot's law a contract does not need to be written and can be formed if the intention of both parties is to enter into a legally binding agreement. Signatures, while indicative, are not necessarily required for a contract to be made if there is sufficient common understanding of the key elements of the contract ('meeting of the minds'). Contracts can be made by persons aged 16 years and over. Younger children can also enter into certain kinds of contracts. The Age of Legal Capacity (Scotland) Act 1991 states:

- Young people have full legal capacity at 16 years, although the court may ratify or set aside transactions for those under the age of 21 for a transaction that was made between ages 16 and under 18, if considered a 'prejudicial transaction' (there is a subsequent definition of 'prejudicial transaction' and some further caveats).
- There are several exceptions to the general rule of the age of legal capacity being age 16 – one of these is that a child under 16 may enter into a transaction 'of a kind commonly entered into by persons of his age or circumstances'. For example a child at the age of 12 can make a request for information under the Freedom of Information (Scotland) act 2002.¹⁰

Contract law is a complex area and it is beyond the scope of this research project to provide definitive answers. The role of Scot's law and the relationship of contract law to the youth football registration process and the practical experiences of children, young people and families require further investigation.

13.4 Education about rights

If children and young people attend a performance school they will get periods of stretching, training and development as part of the curriculum and will drop classes such as music, art and PSE. (Personal and Social Education) By not participating in PSE, children and young people are possibly missing out on information about human rights and children's rights. Steps should be taken to address this omission and address the gap in their knowledge and personal development.

¹⁰ Section 69 <http://www.legislation.gov.uk/asp/2002/13/section/69>

13.5 Freedom of movement and exercising choice and control

When a child or young person does not wish to remain with the club to which they are registered, a significant range of problems arise. Children, young people and their families do not initially contemplate or understand that their relationship with the club may change. Various scenarios were offered about what can go wrong including: that a player may think he or she is not getting enough game time but the club may still want the player to stay registered with them; some players 'grow out of their football' and want to do something else, but the football club retains their registration.

Children and young people understood they could ask the club to release them if they were unhappy. Children and young people had various views on how easy that would be or likely to happen. Some were very positive and some were very negative. Some participants suggested that if the professional club wished to retain the football registration of a child then the child had to stay with the club regardless. Some suggested the only route is to withdraw from the system for at least one year and then the player is free to choose which professional club to sign with. The problem can be significant for those under 14 who are on a year to year contract with a professional club, but becomes more serious when young people are keen to change team but are registered with a club on a three year rolling programme.

The current youth football registration process appears to act like a conveyor belt and children and young people are committed to a process as soon as they get on it. If a club wished to maintain the registration despite a child or young person wishing to move to another club and another club being interested, that club's refusal to pay compensation means that the player's registration is annually renewed until the age of 14 years and then the renewal is for three years. A situation could arise whereby a child registers with a professional club at the age of 10 and is not free to choose an alternative team until he or she reaches the age of 18.

The gap between theory and practice has arisen. For example, there are agreed rates of compensation that clubs can claim detailed in the 'Club Academy Scotland Reimbursement of Training Costs for Youth Players'. As the current rules permit compensation to one party (i.e the club), it is understandable that the clubs will wish to secure the money. It is also understandable that children, young people and their parents/carers are surprised that they are not free to change club at the end of the season as the

rules state 'No rights of reimbursement of costs of training and development that a club may have in terms of this rule shall prevent a player moving to a new club'.¹¹ There is a need for clarity in the process and practical application.

13.6 Terms and conditions of playing football can appear unfair

As a result of a young person being registered with a professional football club, when they reach 16 years of age, new options can be presented to them. The player's choice and control over these options appears limited and the terms offered to them can be perplexing. For example, a basic wage of £75 per week was offered to a young person who was registered a club; he could not move to another club until he had reached 18 years. The ability of a young player to influence wage rates and additional terms such as bonus payments, whilst still registered to a single club, appears limited.

13.7 Access to an effective remedy

Children and young people who wish to challenge their contractual terms with a professional football club have great difficulty in accessing legal aid as the income of their parents is typically taken into consideration.¹² Without legal aid people are reluctant to pursue cases so the system is unchallenged and individual cases not subject to scrutiny.

An initiative is underway involving legal professionals and NGOs to reverse this situation, and enable children and young people to access legal aid.¹³ This may have a bearing for some children and young people involved in youth football. The possibility of children and young people being able to assert their rights at court may be sufficient to improve practice.

13.8 Summing up

Many youth players will have no problem with the system. However the system needs to be fair and when a problem arises redress should be available in a system that is rights respecting.

¹¹ SFA Handbook 2014/2015 Annex 8 para 1.1.11.

¹² Briefing from cl@n childlaw "Legal Assistance for Children and Young People' and the change in the rules was via The Advice and Assistance (Scotland) Amendment Regulations 2010 and the Civil Legal Aid (Scotland) Amendment Regulations 2010 which became effective from 32st January 2011.

¹³ For more information contact cl@nchildlaw www.clanchildlaw.org

There appears to be a gap in the process to enable and inform children, young people and families about their rights, what terms within the registration process can be enforced and by whom. Access to independent information and representation should be provided, free of charge, before any registration is signed. Ideally there should be choice between youth football registration systems so that players and parents can choose which type of registration suits best.

Strategic litigation 'involves selecting and bringing a case to the courtroom with the goal of creating broader changes in society'.¹⁴ Whilst there may be a role for strategic litigation in Scotland to improve the youth football registration system, it seems unfair to place the burden on an individual when the State can take remedial action.

¹⁴ Children's Rights: A Guide to Strategic Litigation, CRIN (Child Rights Information Network)

14 Conclusions and recommendations

This research was commissioned to inform and illuminate debate at the Public Petitions Committee of the Scottish Parliament on an existing Public Petition.

It is understood that the views of children and young people are shaped by a variety of factors including the world of football of which they are part. This proved a positive advantage as we could understand how the system works in practice.

14.1 Reflections on the views of children and young people

The children and young people who participated in the research project all loved football, described their experiences enthusiastically and explained what football registration means to them. From what children and young people said, there was a lack of awareness about rights generally and consequently how those rights might apply to their life in football.

Developing children and young people's football talent is an accepted norm and the extent of State involvement in that process in Scotland is significant. This includes financial investment via SportScotland and in providing facilities via local authorities such as schools and pitches. However, despite the fact that children and young people are involved in commercial arrangements, there appears to be a gap in State regulatory activity and ensuring that the best interests of the child and a young person are respected, protected and promoted in the youth football registration process.¹⁵

In conclusion, it is reasonable to consider that, given a range of specific issues, how and if the State should intervene in the process of youth football registration. Currently, too many children are signing what they genuinely believe is a contract from as young as 10 years yet children's choice and control do not appear to be features of the current system.

¹⁵ The Scottish Parliament has considered the impact of football in respect of a range of issues including sectarianism which resulted "Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 in and in respect of domestic violence.
http://www.scottish.parliament.uk/S4_JusticeCommittee/Inquiries/20131113_MfCSLA_to_GC_OBF_Act_review_proposal.pdf

Children and young people's understanding of their contractual obligations is narrow but precise – they cannot move to another professional club without their existing club's permission. Children and young people have no sense of the rights contained in the UNCRC and how they apply to the youth football registration process in Scotland.

When children and young people are talking about a contract with a club, their understanding fits the definition: 'to enter into an agreement with another party to do something on mutually agreed terms'. The problem is that the terms are not fully understood, the obligations are clear but the children and young people have no certainty of their rights. Therefore it is reasonable to conclude that the terms of the contact are not necessarily mutually agreed as they are not adequately understood.

Only when a problem arises in the relationship between a club and the player or his/her family will the extent of the contractual limitations on choices and decision making in respect of the player's football career become apparent to the family and the child/young person.

The system lacks transparency in how it operates. For example public information is not available on how often a club voluntarily agrees to forgo compensation and the child or young person can move clubs. Anecdotal comments from children and young people suggest this happens. There needs to be clarity of process and defined rights and responsibilities so that clubs, children, young people and their families enjoy certainty.

The current system recognises the investment of private companies in developing young players. But the system does not similarly recognise the investment of families, emotionally, practically and financially, in growing the young players' football skills. This is an imbalance as mutual rights and obligations should be recognised.

There is a problem with the system generally about how it recognises the rights and power of children and young people to make choices, which are then respected. The current system has broader and longer term implications too: the child/young person has been encouraged to be a passive recipient of the opportunity, not an empowered actor in the process, possibly teaching unquestioning obedience from an early age.

14.2 Recommendations

From listening to the experiences and views of children and young people it is evident that their human rights are pushed to the sidelines of the youth football registration process. There follows a number of recommendations that not only address specific issues, but will ensure that the rights of children and young people are central to youth football registration.

The registration process

1. The State should decide to what extent children involved in the youth football registration process should be contracted to a professional football club. Whilst children and young people want to play for a professional football club they, and their families, currently lack power in negotiating 'contractual' arrangements. The State could regulate such arrangements.
2. Rules are required on the formation, performance, enforcement and impact of such contracts. Rights and remedies must be accessible, relevant, independent and effective for children and young people: for example, they and their families should be signposted to pertinent advice and support on contractual arrangements before signing.
3. The language used in documentation should be accessible to parents, children and young people to enable them to be suitably informed. Consideration should be given to developing specific legal rights information for children, young people and families to help them assert rights and understand obligations.
4. The impact of the Children and Young People (Scotland) Act 2014 on youth football registration needs to be better understood and applied: e.g. in respect of children's service planning and the Named Person. Each local authority area could adopt specific guidance and/or a strategy to provide the right supports to children and young people who are part of the youth football registration system. Currently schools have a key role in implementing GIRFEC and the strategic issues raised in this report can fit into that work too.

Rights

5. Football is a core part of life and culture within Scotland, therefore any effort to mainstream children and young people's rights in youth

football will have a beneficial impact at all levels of society. The State, public authorities and bodies delivering services of a public nature have a clear role to play in ensuring that the human rights of children and young people are respected and protected.

6. The interpretation of the 'best interests' principle of children and young people within youth football must be consistent with its interpretation within the UNCRC and other rights and wellbeing frameworks in Scotland, such as GIRFEC and the Children and Young People (Scotland) Act 2014.
7. Any changes to the current system, or establishing a new system, need to be rights respecting to all parties. This can be achieved in a way that does not undermine the commercial interests of professional football clubs. Alternative models exist internationally: e.g. the FIFA model of a National Dispute Resolution Chamber which is a swift and independent dispute resolution system. Proposals should be the subject of an Equality and Human Rights Impact Assessment.¹⁶
8. The right to education is contained in the UNCRC and the ECHR¹⁷ and it could be interpreted more creatively. There should be provision in further education for young, professional players who leave school without qualifications or who need skills to live independently e.g. cooking¹⁸
9. The Commissioner could consider working with professional football clubs, and the Scottish FA, to generate a better understanding of the UNCRC and its relevance to their work. This could be an event or publication.
10. The Commissioner could consider working with Sportscotland on the delivery of a rights strategy for all children involved in sport. The issues that have arisen during the course of this project may not be specific to football. A pro-active strategy to talk about rights in sport is desirable.

¹⁶ For more information on the model proposed by EHRC Scotland and SHRC go to <http://www.scottishhumanrights.com/eqhria>

¹⁷ Article of UNCRC and Protocol 1 of ECHR.

¹⁸ Existing resources could inform provision such as Education Scotland's national professional development resource for adults working with children and young people. Available at: <http://www.educationscotland.gov.uk/resources/r/childrensrightsresource.asp>

The way ahead

Three issues, detailed below, have arisen during this small research project that would merit further investigation.

11. The extent to which gender influences the player registration system in Scotland and its consequential impact on rights and obligations.
12. Assessment of the impact of the system of youth football registration on the employment rights of children and young people and identify any learning from the free movement of workers' principle that operates between EU states.
13. Learning more about how the database for the youth registration system, controlled by the Scottish FA, is used and if children, young people and their families are aware of their rights under the Data Protection Act 1998.¹⁹
14. The extent to which this research project may have been constrained by time and resources. Larger scale research, including a statistically representative sample of children and young people, could address further questions.

14.3 Concluding remarks

The focus of this research project was to meet and talk with children and young people to find out what they thought about the process of registering to play with a football club, and in particular their experience of registering with a professional football club. What was clear from the focus groups was how much they all love football. In describing their lives the emotional and financial contribution they and their families make on a daily basis to play the game is indeed impressive. It is also apparent that a number of issues can and do have a negative impact on the lives of children and young people who are contracted to play football professionally. Action is required to address the fundamental imbalance within the system otherwise the status quo will continue with empowered professional clubs and disempowered children and young people.

¹⁹ Scottish FA Handbook 2014/2015 Section F para 16

Appendix 1: Functions of Scotland's Commissioner for Children and Young People

Commissioner for Children and Young People (Scotland) Act 2003

Section 4, Promoting and safeguarding rights

- (1) The general function of the Commissioner is to promote and safeguard the rights of children and young people.
- (2) In exercising that general function the Commissioner is, in particular to-
 - (a) promote awareness and understanding of the rights of children and young people;
 - (b) keep under review the law, policy and practice relating to the rights of children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice;
 - (c) promote best practice by service providers; and
 - (d) promote, commission, undertake and publish research on matters relating to the rights of children and young people.

Appendix 2: Key articles of the UNCRC

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) provide for a minimum age or minimum ages for admission to employment;
- (b) provide for appropriate regulation of the hours and conditions of employment;
- (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Appendix 3: Research methodology with children and young people

Recruiting participants

Children and young people were accessed through two means. First, it was agreed to work with schools and offer the opportunity to participate in the research to children and young people as part of their educational experience. Six schools were approached to participate and the research project was progressed with three.

An attempt was made to work across geographical areas and professional football clubs, to provide possibilities for different practice and experiences. In order to reach more children and young people, a community sports and football club agreed to distribute information about the research to potential participants. The club facilitated access to children and young people who might aspire to being registered by a football club, but who had not yet done so.

Schools and the club were asked to identify children and young people who had a mix of experiences of youth football registration, were between the ages of 12 and 18, and included both boys and girls. The schools and club distributed the initial information about the research, the accompanying questions, and the consent forms to the children and young people and their parents or carers (see Appendices 3 and 4). Responses were given to the school, who then forwarded the material to the Commissioner's Office. Clubs similarly distributed the material but participants mailed their answers and consent forms directly to the Commissioner's Office using a pre-paid envelope.

Focus groups

Children and young people were then approached to participate in focus groups. Focus groups capitalised on the potential for collective expressions of views on a general topic, as well as collecting individual views within a group setting. A vignette was used that facilitated children and young people to express their opinions, while not requiring them to share their own individual experiences.

Individual interviews

Nineteen children and young people were asked to participate in individual interviews. These interviews allowed for a confidential space, where children and young people were asked to speak of their own experiences. Children and young people were asked to describe their own football 'pathway' over time, as a means for the research to ascertain both children and young people's experiences and opinions of the youth football registration process and its consequential arrangements.

Progress and review

Four progress meetings were convened with the Commissioner's Office and regular telephone and email updates were provided.

Data management and analysis

The information about contracts and registrations was analysed. The interviews and focus groups were audio-taped and the resulting data were analysed, primarily through thematic analysis. Notice was taken of patterns within and across the data types, as well as testing of emerging findings. In the subsequent sections, quotations and other evidence are presented that typify these patterns. Any exceptions – for example a quotation is unusual – are identified for the reader.

At the end of the process, the researcher checked with two people with up to date knowledge and practical knowledge of the youth football registration system. This helped ensure the researcher had understood the information provided.

Ethics

Ethical considerations have significantly influenced the methodology. An ethical submission was accepted by the School of Social & Political Science's Research & Ethics Committee, at the University of Edinburgh.

Ethical considerations were initially agreed with the Commissioner's Office, remained a live matter throughout, and were regularly reviewed by the project team.

Appendix 4 : Young Person's Information Sheet

"Youth Football Registration in Scotland – the views of young players" Young Person's Information Sheet

Your school has agreed to take part in a research project that is being carried out for Scotland's Commissioner for Children and Young People by me, Carole Ewart. Scotland's Commissioner for Children and Young People is Tam Baillie. He works to protect the human rights of children and young people. You can find out more about the Commissioner at <http://www.sccyp.org.uk/>

What is the project about?

This project is about finding out what children and young people's views are on youth football and registration with professional football clubs. The Commissioner will use the views of children and young people to produce a report that he will give to the Public Petitions Committee at the Scottish Parliament. This Committee is made up of 7 MSPs (Members of the Scottish Parliament), and is looking at a petition just now on improving youth football in Scotland. A petition is a way for the public to raise an issue with the Scottish Parliament.

There are three parts to the project:

- A survey and looking at any paperwork you have relating to your playing youth football
- Asking some children and young people to take part in a group discussion
- Asking some children and young people to be interviewed individually

What do you have to do?

Your parents or carer will receive a letter asking their permission for you to take part. Taking part is voluntary. If you agree to take part, please complete the survey with your parent or carer. I would also like you to share copies with me of any paperwork you have connected with playing youth football – however old or short it is.

Please give your survey and any other paperwork to the Headteacher by Thursday 22nd January 2015.

After you have sent me your survey and paperwork I will invite about 6 to 8 children and young people to a group discussion. In the Groups I will remind you that taking part is voluntary.

We will write a report about your views. I will not use your name or any information that would allow someone else to identify you.

I will also explain that it is important to keep children safe. If a child or young person tells me something that means I am concerned about their safety or the safety of another child or young person I will share my concerns with a teacher in the school who has responsibility for keeping children safe. This is called child protection and I work the same way as every other professional person in the school.

We will write a short report about our discussions and learning and you will get a copy.

Carole Ewart, 13th January 2015.

Appendix 5: Parents and Carers Information Sheet

“Youth Football Registration in Scotland – the views of young players” Parents and Carers Information Sheet

Scotland’s Commissioner for Children and Young People is undertaking a research project to find out what children’s and young people’s views are on youth football and registration with professional football clubs. My name is Carole Ewart and I will be carrying out the research for the Commissioner.

Scotland’s Commissioner for Children and Young People is Tam Baillie. He works to protect the human rights of children and young people. You can find out more about the Commissioner at <http://www.sccyp.org.uk>

What is the project about?

The Scottish Parliament receives petitions from members of the public and from groups on a wide variety of topics. Each one is considered by the Public Petitions Committee, made up of 7 MSPs (Members of the Scottish Parliament). The Committee is looking at Public Petition PE1319 which raises a number of issues about young people’s involvement in youth football and registration with professional football clubs.

The Commissioner has agreed to produce a report for the Committee on what children and young people think about youth football and the impact on their lives of registration and contracts with professional football clubs. This report will be made public. You can find out more about the petition at: <http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01319>

The Commissioner’s Report

There are three parts to the project:

- A survey by children and young people, and looking at any paperwork you have relating to your child playing youth football – however old or brief it is.
- Asking some children and young people to take part in a Focus Group discussion. Four will be organised in different parts of Scotland.
- Asking some children and young people to be interviewed individually.

The Report I will write for the Commissioner will reflect the views of children and young people involved in youth football and registration with professional football clubs. I want to listen to: their experiences of youth football, their views on signing player agreements/contracts, and compensation payments being demanded by clubs if a young player is approached by a larger club. It is expected that the information in the report will be of great interest and attention to all those involved in youth football in Scotland.

Confidentiality

The report that I write will not identify any individuals that take part in this research.

The only exception to this confidentiality is if I am concerned about the safety of any child or young person as a result of the information given to me, in which case I would need to pass this information on to the school.

Your child can choose not to answer any questions and can change their mind about taking part in the research at any point.

Next Steps

If you agree that your child can take part, then thank you very much. Can you please complete the consent form and pass the short survey to your child to complete. Your child may need some help from you to complete the survey. The school has agreed to photocopy the contract/paperwork if children bring it in the attached envelope. The originals will be returned to you promptly. Please return the survey, consent form and contract/paperwork to the Headteacher by the 22nd January 2015.

What happens next?

I will read the answers given in the survey and look over the paperwork. I will then invite some children and young people to take part in a Focus Group in the school. The Commissioner's Report will be published early in 2015. Thank you.

Carole Ewart, 13th January 2015.

Appendix 6: Consent and Survey Form

“Youth Football Registration in Scotland – the views of young players” Consent and Survey Form

I agree to my child taking part in this research project for Scotland’s Commissioner for Children and Young People. I understand that I or my child can change our minds about taking part at any point.

Name of Child/Young Person:
Age of Child/Young Person:
Name of Parent or Carer:
Signature of Parent or Carer:
Date:

Survey Questions for child/young person

1. What is your date of birth? (Please write in: Day/Month/Year) _____
2. Do you currently play football for a team? (Please insert a)

Yes No

If yes, please provide the names of the team(s) (Please write in)

and which description applies? (Please insert a)

School Team Community Team Professional Team

3. Do you have a contract connected to playing football? (Please insert a)

Yes No Don't Know

4. Did you sign anything when you joined the team? (Please insert a)

Yes No Don't Know

5. Do you have copies of what you signed? (Please insert a)

Yes No

6. Will you share your contract and/or paperwork with us? (Please insert a)

Yes No

Please can you insert this survey and consent form in the small envelope, put it and the contract/paperwork in the large envelope and give this to the Headteacher by Thursday 22nd January 2015. The school has kindly agreed to photocopy the contract/paperwork and the originals will be returned to you promptly.

Appendix 7: Types of documents

Type	Description
Scottish FA 'Player Registration' Form	There is space for a witness to insert their name and address and a section to be completed by the parent/guardian if the player is under 16 years. This document has four options for 'registration type': contract, non-contract, amateur and youth. In most of the returned forms the box 'youth' was ticked although some were blank.
Guidance Notes on the Player Registration Form	This included "Registration may be valid for more than one season for a grouping age 15 and above ... registration at age groupings 14 and below are valid for one season only".
SFA Non-recreational Youth Registration Form (10-17) Declaration	This had to be signed by the parent, player and club and included information about changing clubs and reimbursement including "this type of youth registration form for age groups 10 through to 14 will lapse automatically at the end of the season in which the player signed the form and the player will be free to sign for the club of his choice thereafter although his former club may have an entitlement to the reimbursement of training costs from the player's new club providing a renewal of registration has been offered to the player, prior to the expiry of his existing registration, in writing."
Code of Conduct for Under 19s Players	This places duties on: the club such as to "provide a Code of conduct and rules for the club" and offer "educational support"; on the child such as to 'follow a lifestyle appropriate to development'; and the parent/carer such as 'Respect the opportunity given to the player and not approach or permit any other person to approach any other club about the player during the currency of the Player's Registration."
Club Specific Information	For example details of coaching sessions and staff.
Individual Performance Results	For example copies of 'Test Results under 12s' which included individual, personal information such as height, weight and an evaluation of progress.
Youth Player Assessment Forms	This appears to be a report card on performance of an individual player and included grades for right foot, left foot, speed, confidence and discipline.
Complaints Process	Correspondence and emails relating to complaints arising from compensation payments being required from clubs before a player was permitted to move.



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