

By email

John Pentland MSP
Convenor
Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

Dear John

Please find attached a copy of a letter from Stewart Regan, Scottish Football Association (SFA) and Neil Doncaster, Scottish Professional Football League (SPFL). As you can see I met with Stewart and Neil on 28th July where they agreed to respond to the report 'Improving youth football in Scotland', by 24th August.

I will be considering the contents of the letter and responding to it after my return from annual leave which is 21st September. In the meantime, I thought you would want sight of the letter to assist your consideration of the youth football petition.

Yours Sincerely

Tam Baillie
Scotland's Commissioner for Children and Young People



By email

Tam Baillie
Scotland's Commissioner for Children & Young People
Ground Floor, Roseberry House,
9 Haymarket Terrace
Edinburgh
EH12 5EZ

24 August 2015

Dear Tam

Improving Youth Football in Scotland

Further to the above and to our meeting on 28 July, as promised we have considered the various recommendations in your submission of May 2015 and you will see below our initial thoughts.

As you will see a number of the responses refer to the establishment of a working group (the "Working Group") which will have its first meeting early September and will comprise the following individuals:

- Andrew McKinlay Director of Football Governance & Regulation (Scottish FA) – Chair of Working Group);
- Donna Martin, Child Protection and Safeguarding Manager (Scottish FA);
- Sandy Bryson, Head of Registrations (Scottish FA);
- Brian McClair, Performance Director (Scottish FA)
- Derek Hunter, Performance Operations Manager (Scottish FA);
- Campbell Money, Performance Academy Manager (Scottish FA);
- Darryl Broadfoot, Head of Corporate Affairs (Scottish FA);
- David Little, Chief Executive, Scottish Youth FA;
- Andrew Waddell (Scottish Lowland League);
- Graeme Liveston (Alloa FC);
- John Bell (Berwick Rangers FC);
- Chris McCart (Celtic FC);
- Craig McWhirter (on behalf of Cowdenbeath FC, Dunfermline Athletic FC, East Fife FC and Raith Rovers FC);
- Craig Levein (Heart of Midlothian FC);
- George Craig (Hibernian FC);
- Christine Wright (Queens Park FC);
- Craig Mulholland (Rangers FC);
- David Longwell (St Mirren FC);
- Neil Doncaster (SPFL) and;
- Iain Blair (SPFL).

Before turning to your specific recommendations, there are a couple of very important points that should be made. As you acknowledge in your submission, "Before any assessment can be carried out, a thorough understanding of the issue is essential". At present we believe that there is some misunderstanding particularly as around what the unintended consequences could be in relation to a number of the recommendations in your submission. In addition, as you acknowledged at our meeting, for the vast majority of boys involved in the Club Academy Scotland system ("CAS") there are no issues. Accordingly, we believe that it is important for us to fully understand the extent of the issues before we rush to make any fundamental changes. I'm sure that we all agree that the last thing we want to do is make any change which unintentionally undermines the system and has the unintended consequence of actually taking away children's opportunities.

For these reasons, we believe that a first step is likely to be the implementation of a robust and clear complaints mechanism which will allow us to fully understand the scope and scale of the issue that we are dealing with and this is something that the Working Group will look at as a priority as part of its considerations.

We also feel that it is important to acknowledge that significant improvements have been made both by the SPFL and the Scottish FA since the public petitions committee commenced its deliberations into this matter in 2010. Some of these are referred to in your submission and include the following:

The introduction of the reimbursement of training costs matrix more closely aligned to costs incurred by clubs in the training of young players. Note that this only applies where a club has offered to keep a player on and, accordingly, a player should not be frozen out of CAS by this matrix. Note also that the FIFA Regulations on the Status and Transfer of Players are clear that the Scottish FA, indeed each National Association in membership of FIFA, should have regulations for movement between two Scottish clubs that provide for a system to reward clubs investing in the training and education of young players¹ (your submission seems to dispute this FIFA requirement domestically);

The softening of the rule in relation to a child or young person playing for his school team;

The introduction of new provisions in relation to scouting of children and young persons specifically designed to protect the young players and;

The introduction by the SPFL of Commitment Letters from clubs to ensure that if a club is interested in a young player it commits to take that player and to pay the appropriate level of compensation as required in terms of the reimbursement of training costs matrix. The system is wholly transparent so that the young player and his parents/guardian are provided with a copy of the letter form the interested club and can then decide where the immediate future of the young player lies. The system prohibits any kind of 'touting' to the young player or any form of offer of inducement. Again, this should work to prevent boys being frozen out of the system due to a club not wishing to pay the appropriate level of reimbursement.

In addition to the above changes, we have also made some significant changes to our disciplinary system specifically taking into account the rights of children and young persons who may be involved with the system.

¹ FIFA, Regulations on the Status and Transfer of Players, 2015, Art. 1(2).

Turning to your specific recommendations:

Recommendations	Initial Response
Taking account of children's rights (recommendations 1-5)	
<p>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</p>	<p>As you are hopefully aware since August 2014, the Scottish FA has employed a full time Child Protection and Safeguarding Manager who sits within the Football Governance and Regulation Team. Donna Martin fully understands the wellbeing issues in relation to children and young people and has worked both internally to improve our rules from this perspective and also with clubs to provide them with guidance and support. Donna will be an important member of the Working Group to ensure that the interests of children and young people are properly considered</p>
<p>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</p>	<p>As referred to above, Donna will be part of our Working Group and will, where appropriate, assist clubs in relation to the rights of children in youth football</p>
<p>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</p>	<p>It is unfortunate that this is the viewpoint taken. We do not believe that this is the way that clubs and/or the Scottish FA view youth players. However, if this is the perception (perhaps based on a focus on certain rules) we would certainly want to look at ways to highlight where the clubs and the Scottish FA very much focus on the young person and the rights of the young person</p>
<p>Any future changes to the youth registration process should be informed by the views of children and young people who play youth football.</p>	<p>We agree that it is important to consider the viewpoint of children when we amend our rules. In this regard it should be noted that we have made some significant changes to our disciplinary rules very much aimed at protecting children and young people involved in this process and that Donna Martin has been fully involved in this process</p>

<p>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</p>	<p>For clarification purposes, players only enter into contracts when they become professionals and this is not permissible prior to the school leaving age. In relation to younger players and indeed many post school leaving age players not on professional contracts, the players are registered to clubs and do not have a contract with them.</p> <p>As part of the Working Group we will discuss the process of registration and this is likely to look at potential ways of improving the information provided to children, young people and their carers to ensure that they are fully informed before registering for a club.</p>
<p>Changes to the youth registration process (recommendations 6-10)</p>	
<p>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 currently lack power in negotiating commercial arrangements</p>	<p>Please see comments in relation to recommendation 5 which also apply to this recommendation.</p> <p>In relation to players entering into contracts (only permissible post school leaving age) they are often represented by Intermediaries and/or Solicitors and may also take advice from the Professional Footballers Association Scotland (PFAS).</p>
<p>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</p>	<p>Please see comments in relation to recommendation 5 which also apply to this recommendation. Please also see comments in relation to recommendations 12 and 13 which are relevant to this recommendation</p>

<p>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</p>	<p>It is important to look at this recommendation in tandem with some of the other recommendations (in particular recommendation 9) and this is something that the Working Group will do. It should be noted that the SYFA rule is in relation to children and young people that play football at grassroots level and not the elite level which is where the Scottish FA Youth registration is applicable. Although the regulations for the SYFA are sometimes equally as applicable for the CAS elite players this is not always the case and the Working Group will, as part of its considerations, look at what the likely consequences may be of introducing such a rule at the elite end of the game.</p>
<p>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</p>	<p>As has been previously discussed before the public petitions committee and as we discussed at our recent meeting, from an elite sport performance perspective, this is a crucial age group for the development of children and young people. We will consider this regulation as part of the Working Group. However, it is important to note that we need to very careful not to put something in place that would unnecessarily disadvantage Scottish based clubs and players when our regulations are compared to those of our near neighbours as this may end up with our top talent being taken away to other countries (in particular England) where their chances of ultimate success are likely to be significantly diminished</p>

<p>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'</p>	<p>As you have acknowledged this rule has been amended as there was previously an outright ban for boys with CAS teams playing for their school teams. This is very much a welfare issue as it is vitally important to avoid "burn out" in young players. However, we will look at this as part of the Working Group considerations to see if there are further changes that can be made whilst ensuring that the welfare of the child or young person is given paramount consideration</p>
<p>Changes to the process of reimbursing training costs (recommendation 11)</p>	
<p>In situations where the 'no rights of compensation' rule is applied this should be done in good time. Any delay in the 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</p>	<p>We agree that no player should be frozen out from playing football whilst professional clubs negotiate deals. However, by ensuring that we have a robust and clear complaints mechanism (see above and response to 13 below) we will truly understand how prevalent this is.</p> <p>As referred to above, it is important to note that:</p> <p>this mechanism only kicks in when a club have offered to re-register a boy;</p> <p>this mechanism only prevents a boy from registering with a club that has decided (for whatever reason) that it does not wish to pay the required reimbursement according to the matrix (a club cannot be forced to do this);</p> <p>any club that has committed to taking a boy must also have committed to paying the reimbursement or they will be in breach of the new SPFL commitment letter rules and;</p> <p>the reimbursement matrix does not apply if the boy wishes to move to a non SPFL club</p>

Independent regulation and monitoring of registration process (recommendation 12)	
The youth registration system 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	This is a role for the Scottish FA and one that we believe we fulfil. However, as part of looking at ensuring we have a robust and clear complaint mechanism this will allow us to further ensure that we are monitoring the system appropriately
Individual complaint mechanism (recommendation 13)	
Regardless of whether or not an independent regulatory body is established a clear process needs 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	We agree with this and this will be one of the key priorities to be considered by the Working Group. Note that we do already deal with complaints that are made to us and are generally successful at finding solutions when issues are highlighted to us

In relation to the Working Group, following its deliberations (we would expect it to meet on 2/3 occasions through to the start of November) we would look to provide a fuller more considered response regarding your recommendations in advance of our annual convention which is due to take place on Tuesday 8 December. We view the convention as being an ideal opportunity for this topic to be more widely debated and to that end we would welcome your involvement in such a debate on that day.

Yours sincerely

STEWART M REGAN
CHIEF EXECUTIVE SCOTTISH FA

NEIL DONCASTER
CHIEF EXECUTIVE SPFL