



PE1319/BBB

BY EMAIL

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

19th October 2015

Letter to Petitions Committee

Dear Convenor

I have had the opportunity to consider the response from the SFA and the SPFL to my report on youth football. I have already forwarded a copy of this to the Committee and indicated that I would provide a commentary at a later date. I am pleased to provide you with this response.

General Comments

- I. I am pleased that the SFA and SPFL are taking the findings in the report seriously and have established a working group to consider the report. I look forward to the findings and recommendations of the working group.
- II. I am pleased that the SFA and SPFL agree to setting up a complaints mechanism. I suggest the mechanism should take account of the needs of children who are in a vulnerable position because of the power imbalances between them and the clubs. I look forward to further information on how this will operate.
- III. I am concerned that the SFA and SPFL do not share my view that there is a need for an attitudinal change in how they view young people. They state that they are willing to look at this, but if they do not think there is a problem, it is difficult to have confidence in the necessary changes being addressed.
- IV. The matters of 28 days notice of termination of agreement and the continuing registration of 15 year olds are critical issues which have been put under the consideration of the working group. However, at no point in the reasoning offered is there a consideration of what is in the best interests of the child. This illustrates the lack of awareness of the need for attitudinal change

Specific Comments on Recommendations

Please note that the numbering corresponds to the order in which the SFA and SPFL responded to the recommendations in the report.

1. I am pleased that the SFA has appointed a Child Protection and Safeguarding Manager and I believe they will make a useful contribution to the matters under consideration. However, our obligations in respect of the UNCRC stretch far beyond matters of protection and I would be interested to know how the working group will include children's rights expertise in the recommendations of the working group. I would be happy to offer assistance to the SFA and SPFL on this matter if necessary.
2. I am not clear what authority the Child Protection and Safeguarding Manager will have in working with football clubs and whether this will be on the basis of children's rights or a more narrow remit of child protection.
3. I am sceptical about positive movement on the matter of attitudinal change as there is little acknowledgement of a problem.
4. I would be interested to know how the views of children will be articulated and taken into account in any changes to the registration process. I would be happy to offer assistance to the SFA and SPFL on how to approach this matter if necessary.
5. I think the discussion on the terms 'registration' and 'contract' has already been considered by the Committee. The salient point is that children perceive the forms they sign to be contracts and see them as having a binding impact on their behaviour as directed by the clubs. I look forward to the findings and recommendations of the working group on registration.
6. I agree that the Professional Footballers Association Scotland (PFAS) provides useful information and advice which should be widely available. The SFA and SPFL should consider whether to impose an obligation on the signing clubs to maximise children's rights information and advice being available to all children before they sign agreements.
7. I welcome the commitment to establish a complaints mechanism and agree that information about this should be available to children prior to signing. However, the recommendation on rules, performance enforcement and impact require more than a complaints mechanism and I look forward to the recommendations of the working group on these issues.
8. I am concerned that the proposal of 28 day notice to leave on the part of the child is being considered through the prism of the best interests of the football clubs and not the best interests of the child. It is unfair and inequitable that the clubs

can terminate a registration at any stage, but there is no capacity for a child to terminate a registration. In light of this, a 28 day notice period on the part of the child is a modest measure. My strong opinion is that the working group has to have the best interests of the child as the paramount consideration and I look forward to the recommendations in respect of this issue.

9. I am concerned that the matter of the automatic lapsing of registration after a 12 month period beyond the age of 14 years is being considered in terms of the best interests of the football clubs and not the best interests of the child. It is exploitative to hold a 15 year old to a three year registration period with no recourse to terminate that arrangement other than at the behest of the football club. My strong opinion that the working group has to have the best interests of the child as the paramount consideration and I look forward to the recommendations in respect of this issue.
10. The issue of 'burn out' is a contested area. It would be helpful to know what research evidence the SFA and SPFL are relying on to better understand their reasoning on this issue. My current position is that the decision of a child to play for their school should be their decision, not one imposed by the clubs. I am aware of other restrictions imposed by the clubs (such as barring participation in running clubs) and I hope this is also covered by the recommendations of the Working Group.
11. The issue of 'no rights of compensation' is solely a matter between clubs. In considering the matter from the perspective of a child, there should be no problem with a 'no rights of compensation' rule if the child was able to exercise their rights to termination, giving 28 day notice.
12. I have welcomed the establishment of a complaints mechanism but have stated my view that it requires more than this to achieve a regulated system. Whilst I await the outcome of the deliberations of the SFA and SPFL, the view offered that the SFA already fulfils monitoring and regulation is another example where they do not see the extent of the problem, which will diminish the rigour of the solutions sought.
13. I await the working group recommendations on an improved, more robust complaints mechanism.

Conclusion

The SFA and SPFL response has placed a number of matters in the hands of a working group which will report in early November 2015. I look forward to the findings and recommendations of the working group and I am sure the Committee will be better informed of the SFA and SPFL intentions on the matters raised once this report is published.



I have already publically stated to the Committee the need for the system to be regulated and that self regulation is my preferred starting point. However, at this stage and based on the response of the SFA and the SPFL, I am concerned about the capacity of the football authorities to effectively self regulate on the matters raised.

I am happy to provide further information to the Committee on the publication of the working group report.

Yours sincerely,

Tam Baillie
Children and Young People's Commissioner Scotland