



Michael McMahon MSP
Convenor
Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

26th February 2016

Dear Michael

Consideration of PE1319

Please find attached my response to the letter from the SFA and SPFL, of 25th November 2015. Please note my recommendation to the Committee in the final paragraph of this letter.

I hope it assists the Petitions Committee in their consideration of the Petition.

Yours sincerely

Tam Baillie
Children & Young People's Commissioner Scotland



By email/ post

Stewart Regan & Neil Doncaster
Chief Executive SFA & Chief Executive SPFL
Hampden Park
Glasgow
G42 9DE

26th February 2016

Dear Stewart and Neil

Thank you for your letter of 20th November 2016, I am pleased to offer a response. Since receipt of the letter I have attended and spoken at the SFA convention on 8th December 2015 and by invitation, visited Kilmarnock Football Club Academy on 11th February 2016. Both of these have helped inform my views.

I am pleased that the SFA and SPFL are taking matters in regard to youth football seriously. It is clear from your response that there have been some improvements in the approach taken to children involved in youth football. This is evident in the efforts you have made to seek the views of children and young people, which I believe provide you with a more informed approach in your delivery of youth football. There are commitments to provide fuller and more consistent information to children and if followed through, this will be useful. I am also pleased to see that you have engaged with children's organisations which will be able to offer informed advice and training to professional football staff.

However, there are some key issues which still give cause for concern and it is these which I address in this response as I believe they are critical issues which have been under consideration for some time.

I will refer to the issues as numbered in your response dated 20 November 2015.

Recommendation 8

The SFA/SPFL propose to introduce a '28 day rule' allowing players with professional clubs under Club Academy Scotland (CAS) to exercise a notice period to leave the club. However, this would only allow the child to return to recreational football and not allow the child the freedom to move to another club within CAS. My understanding is that should a child have the opportunity to return to CAS in future, compensation would be required to be paid to the original club with which they signed. The effect of the

arrangement is that a child can exercise the '28 day rule' to leave the CAS system. However, any return to CAS would once again raise the matter of compensation payments between clubs and the potential for disputes where there is no agreement.

The additional rule to commit to a player for a one year period is welcome as long as the child receives the same access to training and development as other young players with the club throughout the period.

Recommendation 9

The SFA and SPFL have presented the current practices of the clubs as a protective measure for the child, on the basis that the child and family need protecting from potential upheaval of moving to England and the difficulty of succeeding in a more competitive environment. My interpretation of the situation is that current practices are more about protecting the investment of professional clubs than protecting children. It is already stated that Scottish clubs fear prematurely losing talent to England because of the vast wealth of the English Premier League, thus denying Scottish clubs the opportunity to maximise their share of the compensation. Whilst I understand the dilemma for Scottish football clubs, I cannot see how it is in the interests of children to have their freedom of movement restricted in this way as it appears to place the interests of the clubs before the best interests of the children involved.

I reiterate my previous recommendation that the registration of age groups 15, 16 and 17 is for a one year period, in line with procedures for age groups 10-14.

Recommendation 10

I welcome the intention that there 'should not be any restrictions placed' on children to play for their school teams. However, I would want to be clear what is meant by the condition 'subject to appropriate welfare considerations' as it appears to give an authority to clubs to restrict children's activities outside of the football club. I would add that I have had reports of restrictions being placed on running club membership and therefore restrictions on other sporting activity should also be covered.

Additional comment

I would wish to draw attention to other matters of concern which have come to light during my involvement with the petition. At the oral evidence session to the Petitions Committee on 11th January 2011, it was noted by Jim Sinclair (Rangers Football Club) that a figure of £35,000 was paid for a 14 year old player. There have been recent press reports of transfer fees being paid for other children under the age of 16 years. These reported payments appear to be outside of the SFA compensation scheme. I am not aware of the details of those involved in these transactions, but it would seem to confirm that large sums of money can be involved and this has the potential to compromise the consideration of what is in the best interests of the child. I would also want to be reassured that there is a process to ensure those involved have the necessary child protection checks and that there is a method of regulating their activities involving children.



Conclusion

I acknowledge that there has been some progress by the SFA and SPFL in respect of children and young people and I am encouraged by that. I am also aware that there is variable practice within the football clubs and it would be inappropriate to give the impression that the areas of concern relate to all clubs. However, the measures proposed under Recommendations 8, 9 and 10 continue to cause concern. In addition, the issue of transfer fees needs consideration under any actions proposed by the Committee.

I have previously suggested self regulation is required. However, in my letter of 19th October 2015 to the Petitions Committee, I expressed doubt as to whether there was sufficient evidence of self regulation in the response from the football authorities at that time. On the basis of the matters which remain outstanding, I now no longer believe that these can be dealt with by self regulation. I will recommend to the Public Petitions Committee that they refer the matter to the Scottish Government to consider how the issues may be dealt with through external regulation.

Yours sincerely,

Tam Baillie
Children & Young People's Commissioner Scotland

Cc Michael McMahon MSP, Convenor, Public Petitions Committee