

PE1319/JJJ

Children & Young People's Commissioner Scotland Letter of 26 July 2016

Petition PE1319

Thank you for your letter of 1st July 2016 requesting my response to the measures proposed by the SFA/SPFL and the Scottish Government's response to those measures.

I last wrote to the Committee on 26th February 2016, along with my correspondence to SFA and SPFL, expressing my opinion that I did not have confidence in self-regulation for matters which were continuing to cause concern. For the purpose of clarity, I have noted these ongoing matters below, and my current position:

1. Children having the right to give 28 days' notice to leave a club under Club Academy Scotland (CAS) and have the freedom to sign for another club as part of the CAS arrangements

Whilst the '28-day rule' is an improvement, it still leaves the potential for a child to be caught in the middle of disputes between professional clubs, where there is no agreement between the clubs. It is difficult to see a way around this as long as the payments are triggered at the time of moving between clubs (akin to a transfer fee), rather than a later date (such as the signing of a professional contract). I have previously recommended that consideration be given to the payment of reimbursement in respect of training costs being triggered when a young person signs a contract of employment with a professional club once they are of school leaving age.

2. Registration for 15, 16 and 17 year olds being for no longer than a 12-month period.

The letter from the Scottish Government makes no mention of the registration of children at the age of 15 years and being held to those registrations for up to three years - regardless of the best interests of the child. The position of the SFA and SPFL has remained intransigent on this matter and I am disappointed that the Scottish Government has not picked up on this issue in their 'extensive discussions' with the relevant bodies as this is a significant breach of children's rights for those involved and the issue which causes most concern.

3. The removal of 'subject of appropriate welfare considerations' condition on decisions about playing for a school team.

I welcomed the apparent change of position where there would be no restrictions placed on children who were part of the CAS system and who wished to play for their school team.

However, for this to work as intended, it requires the removal of the qualification 'subject to appropriate welfare considerations' because clubs who choose to restrict children's right to play for their school team, will continue to do so.

4. Transfer payments made for children which are not part of the SFA compensation scheme.

I raised this as an additional issue which has come to my attention through consideration of the Petition. There is evidence in the public domain where children are being signed up by agents and used in transfers between clubs outside of the SFA compensation scheme. This activity is unregulated and I have raised my concerns directly with the SFA and the SPFL. I am disappointed with their response which appears to be to turn a blind eye to this issue, even when evidence is presented to them. It may be of interest to the Committee one piece of this evidence was the Petition Committee sitting on 11th January 2011 when Jim Sinclair, Rangers Football Club, gave information that a figure of £35,000 was paid for a 14-year-old player.

5. Payments below the Minimum wage.

This is another matter which is additional to the Petition, but I raise it as an example of the complacency of the football authorities in the face of evidence of injustices which are tolerated. There is reliable evidence that professional football clubs are not paying the minimum wage for players who are 'contracted' to them. I am aware that the current petitioners have brought this to the attention HRMC and I am happy for it to be investigated by this regulator. However, it is another indicator of concern where strong external scrutiny is required to ensure that appropriate standards are maintained.

I have given credit to the SFA and SPLF where I think they have made improvements. However, my overall impression is that they have gone as far as they are prepared to go or are able to do so within their governing structures. This is not a matter of 'giving new measures some time to take effect' as suggested by the Scottish Government, but more facing up to the fact that for real change to occur, external regulation has to be imposed on bodies which, to my mind are either unwilling or incapable of taking appropriate action to safeguard the rights of children.

Yours sincerely,

Tam Baillie

Children & Young People's Commissioner Scotland