

PE1319/LLL

PFA Letter of 29 July 2016

Petition PE1319

We refer to your letter of 1 July 2016 with regard to the above petition

It can be very difficult to understand the complex nature of not only football's myriad of regulations but also the politics and differing needs and desires of the professional clubs.

You have been asked to consider matters surrounding compensation and registration within Club Academy Scotland but this cannot be done properly without looking at the pathway, or lack of, to the first team currently being provided by our clubs. To that end we respectfully suggest that the Petitions Committee should look wider at the many other issues relating to youth development in Scottish football.

Using the BBC website for reference, SPFL Premiership clubs at the time of writing have signed 69 players this summer, of whom only 18 are eligible to play for Scotland. If the game in Scotland continues to look at the short term and sign players from lower league English and European clubs rather than give its youth players a chance, the pathway to the first team will continue to be blocked

We understand that there are a few main areas the petitioners have brought forward.

Compensation System for Club Academy Scotland (CAS) Players

PFA Scotland's position is that any compensation system put in place by Scottish Football should safeguard the rights of children and not restrict the ability of a young player to choose unilaterally where he wants to play football.

We note that the SFA/SPFL propose introduce new regulations that will allow a player to move to a recreational team on giving 28 days' notice. This is most welcome as playing in the CAS system is not for everyone but this does not address the issue of a young player being able to choose to join another professional club.

As the current system stands, when a young player signs for a professional club under the Club Academy Scotland (CAS) registration at say aged 11, he cannot join another professional club unless his current club allows him to until the age of 23 as long as his club exercises its unilateral rights to retain his registration.

A young player therefore cannot move between professional clubs without his current club either receiving compensation or agreeing to release his registration. Circumstances can change; the player may have issues with his coach, his parents may no longer be able to commit to the travelling involved, he may see a better pathway to the first team at another club yet this young footballer cannot choose where to be coached and play till he is free of football's complex training compensation system at age of 23.

We understand that many clubs are wary that having no compensation system could lead to bigger clubs simply cherry picking the best players and sympathise with that view. Many clubs invest in their youth coaching with a view to having the best players proceed into their first team but the starting point for any compensation system must be that the rights of the young person cannot be compromised.

Three Year Registration

Again we understand and sympathise with the argument put forward by clubs whereby without the current system English clubs could simply sign the best young players at the age of 16 for a small amount of compensation.

Currently the system however goes further than retain the registration at age 16; it also allows for retention of the player's registration by a club for a further two years without the club being obliged to offer a professional contract. Professional footballers are employees and as such restricts the ability of the 16-year-old who is not offered a professional contract to leave school earn a living as professional footballer at another club.

We feel this is unfair and any system has to provide a balance between protecting the compensation for the club and the rights and freedoms of the young player. There are ways these two positions can be accommodated with a sensible structure without the need for the extra two years' registration.

Minimum Wage

There is no appetite from SPFL clubs to introduce a rule to make paying the minimum wage mandatory. The clubs' view is that it up to the individual to raise the matter with his club as his employer by way of a dispute.

The underlying issue here is again of compensation. Clubs are currently allowed to register a contract and registration paying as little as £1 per week as a wage. The reason for this is simple; by signing a pro contract, even for £1 per week, the club retains its right to compensation and again the player cannot move free of compensation till he reaches the age of 23.

We agree with the HMRC position that contracts which do not pay the minimum wage are invalid. From a football perspective this means that the entitlement to hold a player's registration and right to compensation should fall.

We trust this is of use to the Petitions Committee but if the members require any further information we will be more than happy to provide such.

Yours sincerely,

Fraser Wishart
Chief Executive