

PE1319/BBBB

Petitioners submission of 19 February 2020

Thank you for facilitating the hearing of the Public Petitions Committee with evidence from the Scottish FA on 30 January 2020 in relation to our Petition PE1319 "Improving Youth Football in Scotland."

You will be aware that although we, the petitioners, offered to take part in this hearing this was not permitted by the Committee. However, we believe that it is important for us to comment on some of the evidence which was led by the Scottish FA as we assert that there were several inaccuracies. Before publishing the final report, we believe that we have a duty to ensure that the Committee have been fully and accurately informed of the true facts which apply to the issues at hand.

We are encouraged that the Scottish FA consistently assert their commitment to protecting children's rights in youth football. However, whilst their new strategy is a step in the right direction, we reiterate that any strategic improvements are of little significance in the absence of substantive changes to the rules.

Our observations, on the evidence led by the Scottish FA, are as follows:

- Mr Maxwell stated that "the reality" of the three-year registration can be seen in the fact that approximately 500 Club Academy Scotland players out of 2000 move between clubs annually. However, we would like to highlight that these 2,000 players are at all age groups of registration - age group 11, 12, 13, 14, 15 and 17 - not merely those in a three-year registration. Therefore, it can be inferred that the number of players who move whilst in a three-year registration must be far fewer than the 500 which Mr Maxwell quoted to the committee therefore this statistic does not reflect 'the reality'.
- Mr Maxwell stated that compensation payments are a requirement of FIFA, referring to the [FIFA Regulations on the Status and Transfer of Players](#) ('the FIFA Regulations'). He said that the petitioners were wrong to say that the Scottish FA had any influence over these rules. However, Annex 4, Article 20 of the FIFA Regulations state that compensation payments are only due after a player signs a professional football contract and each time that player is transferred before his 23rd birthday - not whilst that player is still a child. Every club which that player was registered with as a youth player should be retrospectively compensated after the player becomes professional. Therefore, the current system which allows for compensation to be due in the transfer of children is a choice of national governing bodies - not a FIFA requirement. Article 20 refers to "training compensation" and not "international transfers" which Mr Maxwell stated to the committee. Article 20 can be found on page 26. This is further supported at Annex 4, page 66 and indeed Article 5, Annex 5, page 68 headed Calculation of Training Compensation which clearly states that compensation is only due 'the first time a player registers as a professional.

Mr Maxwell stated that Article 1 of the FIFA Regulations permit for a system of compensation. We do not disagree with this position. However, we assert that the compensation should not be payable until the player signs a professional

contract (at minimum aged sixteen). We would like to draw the committee's attention to previous evidence heard in 2011 in relation to the Swedish club IFK Gothenburg (see Petition Document [PE1319/BB](#)). IFK Gothenburg do not have a system of compensation for any player under the age of sixteen. Therefore, this further proves that the current system of compensation in Scotland cannot be a FIFA requirement if other jurisdictions are operating within other compensation systems which do not request compensation payments for children. The Petitioners are advised by FifPro that countries such as Norway, Denmark and Spain do NOT operate a compensation system for the movement of children between clubs.

Mr Maxwell stated that "we are not aware of any player who has expressed to leave and has not been able to." However, we do not know of any system which the Scottish FA has in place to record and review that information. For example, if a player asks the club with whom they are registered to leave and that club refuses, we do not believe that such information is known to the Scottish FA. Therefore, Mr Maxwell's 'lack of awareness' does not mean that such instances are not regularly occurring. The petitioners are aware of several cases, including the case of Rory Hamilton which was brought before the Scottish FA's Child Well-Being Panel in 2018 (see Petition document [PE1319/WWW](#)). In this instance the player had to appear before a panel at Hampden Park months after requesting release from his club. The club in question admitted rule breaches and went on to openly admit that 'all clubs do it' (sign players out with the Registration rules); the club was fined £2,000.

Both Mr Maxwell and Ms Evans stressed the point that "if a player wishes to leave a club, then they can leave" (Maxwell). However, there is absolutely no system in place by the Scottish FA which allows for young players to move freely between Club Academy Scotland member clubs without compensation payable.

Ms Evans also explained to the committee that young players and their parents can find "accompanying information" on registration on the Scottish FA website. We would like to highlight that the reality is that parents and players are not consulted in the registration process and are often handed the registration form at the point when they are requested to sign. Very often there is no opportunity for parents or players to review or see these documents prior to their allocated 'signing' slot with the club. A copy of a Registration form can be found on page 227 of the Scottish FA Handbook and there is no mention of the three-year rolling registration on the form:

- When asked about the incorporation of the United Nations Convention on the Rights of the Child into Scots Law, Mr Maxwell stated that "{they) will obviously adhere to the relevant law ... that just makes absolute sense." We stress that the current system, in its current form, cannot and does not comply with this international convention and therefore will be in breach of the law.
- Mr Maxwell spoke several times about the importance of ensuring that players are "happy" -"it's not about the football, it's about the person because a happy person will flourish in any environment and that transfers onto the football pitch."

We insist that the best way to ensure that young players are "happy" is to provide them with the absolute freedom to leave clubs where they are unhappy and play in the environments which best support and nurture their individual needs without monetary restrictions.

We hope that the Committee consider our observations when concluding their final report on the Petition. We appreciate that the Committee have given a decade worth of consideration and commitment to our causes. We hope that the findings of the Committee can help us to ensure that children in Scotland can play football free from economic exploitation and with respect for their human rights.