

PE1319/CCCC

The Scottish FA submission of 11 May 2020

Thank you once again for the opportunity to speak with the Committee on 30 January 2020. At the meeting we undertook to write to the Committee with further information about some areas of our discussion, and these are set out in turn below.

All of this work is taking place with the context of the strategy for Scottish football on child wellbeing and protection that we talked to the Committee about. This strategy is available on [the Scottish FA website](#) and sets out clearly our ambition to have a culture in which children's human rights are understood and promoted throughout Scottish football.

FIFA Regulations on the Status and Transfer of Players: reimbursement of training costs

The Committee asked about the FIFA Regulations relating to the reimbursement of training costs when a young person moves clubs. In particular, the Committee asked about the petitioners' view that *"under Scottish FA rules, football clubs can request compensation for a transfer of a child moving between professional football clubs, even though that child is non-professional. At previous meetings of the committee, it has been suggested that these rules are a requirement of FIFA. However, this is not the case."*

The relevant FIFA Regulations can be accessed on [the FIFA website](#). As is set out at Article 1(1) these Regulations contain *"global and binding rules concerning the status of players, their eligibility to participate in organised football, and their transfer between clubs belonging to different associations."* These FIFA Regulations, therefore, govern all matters related to the movement of young people between two clubs in different countries, including the reimbursement of training costs.

In relation to movement between clubs within the same country these rules are set by the national associations and it is a requirement of Article 1(2) of the FIFA Regulations that all national associations have specific rules which “*provide for a system to reward clubs affiliated to the relevant association investing in the training and education of young players.*” Therefore, it is a FIFA requirement that within its rules related to the domestic transfer of players the Scottish FA has a system in place to reward clubs in Scotland that invest in the development of young players. The purpose of such a system is to ensure clubs invest in the development of those young people with the most footballing promise to enable them to reach their own full potential. However, what such a system must not do is provide an insurmountable barrier to young people who wish to move to another club within Scotland and this is why the Scottish FA has in place four mechanisms to allow a young person aged between 15 and 17 years registered with a Club Academy Scotland club to move between football clubs within Scotland, which are not dependent on any matter related to reimbursement of training costs:

1. By the agreement of the young person, their parent/carer and the clubs concerned
2. By the young person cancelling his registration with a club when he has played in less than 25% of the games that he was eligible to play in
3. By the club in “exceptional circumstances”. This could be, for example, when an Academy stops operating and all registrations are cancelled to enable young people to play their football elsewhere
4. By an application being made to the Scottish FA Young Players Wellbeing Panel by the young person and/or their parent/carer

As I outlined to the Committee the registration statistics show that young people are moving between clubs within Scotland. However, I reiterate my encouragement to any young person, or their parent/carer, who feels they are being prevented from moving between football clubs by these rules to contact us to enable us to mediate a solution in the best interests of the young person.

SPFL sanctions for a breach of the payment of the minimum wage

The Committee asked about the sanctions that could be applied by the SPFL in the event that a member club is found not to have paid the national minimum wage to its employees. The SPFL Rules and Regulations document is publicly available on [the SPFL website](#).

In July 2017, new Rules were passed with the effect that as at 31 March in each year, member clubs and clubs in contention for promotion to the SPFL are under an obligation to declare and certify that, among other things, they were in compliance with national minimum wage requirements as at 31 January of that year. A registration embargo on new players is automatically imposed on any club which fails to provide this declaration and certification until the SPFL Board determines that it be removed. This declaration and certification forms part of the Membership Criteria of the SPFL which all clubs are required to adhere to in order to participate in the League. Failure to comply with this requirement also constitutes a breach of SPFL Rules, with the full

list of sanctions available to the SPFL Board to impose on a club (over and above the automatic registration embargo) listed at Rule J16.

As I outlined to the Committee we do not have any evidence that any employed person under the jurisdiction of the Scottish FA is currently being paid below the national minimum wage. I would encourage any person who has evidence that this is happening to contact us, the SPFL or HMRC to enable the necessary action to be taken.

Review of the current registration rules related to 15 -17 year olds

Following on from the information I provided to the Committee in January, a positive initial meeting was held in late February to discuss the current rules. Alternative options were discussed and the group agreed to give the matter further consideration, with a second meeting to be convened. Since that time the impact of COVID-19 has been far reaching on businesses across the UK and football is no exception. All football in Scotland is suspended until at least 10 June and club and Association staff have been substantially reduced over the current period. This has made any further consultation impossible, however this matter will be discussed again as soon as practically possible. I will write to the Committee again in due course once a timescale for this discussion is clear.

Attendees at the February meeting also discussed the information that is made available to children, young people and parents/carers during the registration process, which is available for reference on [the Scottish FA website](#). The clubs in attendance confirmed that all the relevant information is provided, however it was agreed that to improve clarity the registration documentation would be reviewed and amended to ensure it was as clear as possible and that children, young people and parents/carers would be asked to sign specific sections to signify that they have understood the information provided. As above, undertaking this work has been affected by the impact of COVID-19 and therefore I will require to provide a further update to the Committee in due course.

As well as the involvement of clubs I would welcome the involvement of the Children's Commissioner and the petitioners in this work. Therefore I was pleased to accept the Commissioner's invitation in January to a roundtable meeting of interested parties as I believe such a meeting would allow us all to discuss a productive way forward on this matter for the benefit of children and young people. I am mindful in particular of the length of time these matters have been before the Committee and the number of children and young people who have played within Club Academy Scotland under the framework of rules that concerns continue to be raised about during this time. Unfortunately the Commissioner has since postponed this meeting, I understand due to the petitioners not wishing to take part in a meeting until the Committee concludes consideration of the current petition. While I am disappointed by this, we continue to discuss the petition with the Commissioner's office and have indicated our strong desire to meet with the Commissioner separately to discuss how we might move forward collectively.