

PE1319/ZZZ

Petitioners submission of 20 January 2020

It has now been ten years since this petition was lodged in 2010. Over the last decade, many injustices and issues which have surrounded youth football in Scotland have been exposed and highlighted the draconian nature in which football clubs treat young aspiring players. The scrutiny by this committee so far has contributed to the pressure placed upon our football governing bodies to begin to introduce improvements.

However, we must now focus on resolving the fundamental issues which still remain. Despite many discussions and submissions to this committee over the last ten years, there are two outstanding issues in this petition which mean that children in Scotland are not protected in youth football to the highest standards. We believe that these issues have not yet been resolved due to the failings of the responsible footballing bodies to take action and work together to focus on the best interests of children under their realms. We outline the following:

- Issue 1 – *the three-year rolling registration period of age groups fifteen to seventeen*. This current rule allows for children as young as thirteen to be tied to football clubs for a period of three-years with no right to revoke. However, the football club retains a unilateral right to release the child at any time of their choosing. This is an imbalance of power which lies solely at the hands of the professional football clubs.
- Issue 2 – *professional football clubs' recurring right to claim compensation in the transfer of children*. 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 as FIFA Regulations on the Status & Transfers of Players, Annex 4, page 66 Section 2.1 - *Training compensation is due when:*
 - i) *a player is registered for the first time as a professional; or*
 - ii) *a professional is transferred between clubs of two different associations (whether during or at the end of his contract) before the end of the season of his 23rd birthday.*

As a consequence of the Scottish FA's rules, children are prevented from moving freely between clubs and leaving their current club in cases of bullying, relocation, unhappiness, poor mental health and various other personal circumstances. This fundamentally breaches children's human rights under Article 3 of the United Nations Convention on the Rights of the Child (UNCRC).

The petitioners would recommend that the committee members read the legal dissertation previously submitted by Leigh McLevy for further analysis on these legal issues.

These two remaining issues have been clearly outlined to the committee. However, despite the near- constant reminder of these issues, it is clear that the Scottish FA and Scottish Professional Football League (SPFL) will not proactively make any changes to their rules. Given that Scotland is now moving to incorporate the UNCRC into domestic law this year, we believe that it will be impossible for the footballing authorities to deny the lack of compliance. There is no doubt that once the UNCRC becomes part of Scots law, the current Scottish FA rules surrounding the three-year rolling registration and compensation payments for children will be unlawful, although we believe the system also currently breaches

international legal obligations and existing domestic law under the Age of Legal Capacity (Scotland) Act 1991.

We would like to ask the Scottish FA the following:

- Can the Scottish FA explain how their rules on professional youth football registration, particularly in relation Issues 1 and 2 as outlined in this submission, are compliant with UNCRC Articles 3 and 12 and the Age of Legal Capacity (Scotland) Act 1991?
- Can the Scottish FA explain how registration is in their terms “an agreement” as opposed to a contract?
- Can the Scottish FA give their reasons why it is in the best interests of a child to not be free to move to another professional football club at the end of their registration period, whereas an adult professional footballer can move to another professional football club with no monetary consequences?

We, the petitioners, will continue to ensure that professional bodies are held accountable for their actions (or lack of) until every child playing professional youth football in Scotland is protected from economic exploitation and can safely enjoy our national game.

Realgrassroots has recently been joined by newly qualified lawyer Leigh McLevy who has expertise in this area. Ms. McLevy has not previously given oral evidence to the Committee and we would respectfully request that she be invited to the session on 30th January to ensure that the position of the petitioners is expressed. We believe that this is an important time as the incorporation of the UNCRC is approaching and therefore the legal consequences of the current Scottish FA rules must not be ignored. We therefore submit that Leigh McLevy be invited to present this legal position to the committee and the Scottish FA on behalf of the petitioners, Realgrassroots.